PAY EQUITY

EQUALITY AT WORK

MANITOBA PAY EQUITY CONSULTATIONS

A Summary of Submissions

Manitoba
Labour

MANITOBA
PAY EQUITY CONSULTATIONS

A Summary of Submissions

MARCH 1990
MANITOBA LABOUR
PAY EQUITY BUREAU

Table of Contents

Introduction....1
The Concept of Pay Equity....4
- Models of Implementation....7
  - Legislation....7
  - Contract Compliance....12
  - Collective Bargaining....12
  - Voluntary....12
- Scope....13
  - Broad Application....13
  - Exemptions....13
- Timing....14

Defining Establishment....15
- Female-Dominated Workplaces....18

Defining Employee....20
Defining Gender Dominance....22
Negotiated Process....25
- Access to Information....25
- Simultaneous Negotiation by all Parties....26
- Negotiate Separately from Regular Collective Bargaining....26
- Impact on Collective Bargaining....27
- Non-Unionized Employees....27
- Pay Equity Officer....28

Determining Value and the Job Evaluation Process....30
Defining Wages....34
Wage Adjustments....36
Allowable Exceptions....39
Administrative, Monitoring, Enforcement and Maintenance Mechanisms....41
- Administrative....41
- Monitoring....41
- Enforcement....42
- Maintenance....44

Regulations....46
Costs and Benefits....47
- Business Community....47
- Labour and Women's Communities....48
- Broader Public Sector and Non-Profit Agencies....48
- Government Assistance....50

Appendix: Consultation Participants by Sector....52
End Notes....63
Bibliography....71

Introduction

In November of 1988 the Manitoba government initiated a pay equity consultation process. The purpose of the consultations was to discuss the key issues involved in developing workable implementation models for the sectors not under The Pay Equity Act. The objective was to gain a better understanding of the profiles of these sectors.

The focus of the government's consultations was on "how best to implement" instead of "whether to implement." Therefore, the decision was not to hold public consultations but rather to seek input specifically from those key labour and management groups that might actually be involved in any future implementation efforts, specifically the bargaining agents and employers in school divisions, municipalities, the health care facilities not under the legislation and the private sector. Key women's organizations and the Equal Pay Coalition of Manitoba[1] were also included, as the process would have been incomplete without their contribution. As well, human resource management organizations were invited to comment from their perspective as practitioners. Ninety-seven groups were invited to participate. They are listed in the Appendix.

In an effort to facilitate the process, umbrella organizations were involved wherever possible. Umbrella groups were looked to because they often have staff resources and could assist in co-ordinating the participation of their member groups.

One group that was not directly consulted was non-organized employees, as there was no organization through which to reach them. A number of the organizations that were consulted raised issues affecting non-unionized workers. The other area not consulted was the rest of the broader public sector which includes organizations such as social service agencies and non-profit community groups. Due to a limited timeframe it was not possible to include them in this process.

In November 1988, the parties were invited by the then Minister responsible for The Pay Equity Act, Honourable Ed Connery, to participate in the consultation process. The parties were provided with a discussion paper and information package on pay equity. This discussion paper was developed by the Pay Equity Bureau to assist the organizations involved to focus on the key implementation issues that would need to be addressed in developing effective and workable pay equity models.

The organizations were then invited to meet with Pay Equity Bureau staff. The meetings provided an opportunity for the parties to discuss the key issues affecting their organization, sector, and members, as well as to raise any questions or concerns. The meetings were informal. The proceedings were not recorded.

Fifteen meetings were held in Winnipeg during mid-December 1988 and early January 1989. The meetings were organized on the basis of sector, and divided into separate meetings of employer and employee representatives. A total of 61 groups participated in the meetings. Those who attended are listed in the Appendix. Representatives from various provincial government departments affected also attended some of the meetings.

At the meetings the organizations were invited and encouraged to submit written responses to the consultation process.

The parties were informed that once all submissions had been received, Pay Equity Bureau staff would be preparing a summary of the responses. This report, which was to be based on the written responses only, would then be forwarded to all parties involved. At the parties' request, the Minister extended the dates by which the responses were to be received to February 10, 1989 for the public sector and March 17, 1989 for the private sector. Those in the private sector were given additional time due to the size and complexity of that sector. A follow-up process was initiated in May of 1989 with all those who had not submitted responses, to determine whether any submissions had been sent but not received. As a result, a number of submissions were forwarded in June. Forty-four organizations responded in written form, they are listed in the Appendix.

The responses varied in form and in approach. One group indicated it did not feel it had enough knowledge to comment but appreciated being included and asked to be kept informed of developments. Another organization's submission consisted of a profile of its member groups. Others responded by indicating their endorsation of another group's brief. Some outlined their positions in letters, others submitted detailed briefs. These responses are summarized in this report and presented based on the format contained in the discussion paper.

The participation, time, concerns and efforts of all the parties throughout this process are greatly appreciated, particularly given the very short timeframe within which they were asked to respond. Some of the parties had the benefit of implementation experience through legislation, collective bargaining and/or voluntary initiatives. Their knowledge and perspectives added significantly to the discussion. Others, though newer to pay equity, devoted thoughtful consideration and opinions on the many and complex issues involved. Without their interest and contribution this report would not have been possible.

For the purpose of readability and simplicity many of the organizations' names have been abbreviated as follows:

ASANTE	Assiniboine South Association of Non-Teaching Employees
CAIMAW	Canadian Association of Industrial Mechanical and Allied Workers
CFIB	Canadian Federation of Independent Business
CMA	The Canadian Manufacturers' Association/Manitoba Division
CORC	The Charter of Rights Coalition (Manitoba)
CUPE	Canadian Union of Public Employees
EPCM	Equal Pay Coalition of Manitoba
HRMAM	Human Resource Management Association of Manitoba
IBEW	International Brotherhood of Electrical Workers Local 2034
MACSW	Manitoba Advisory Council on the Status of Women
MANTE	Manitoba Association of Non-Teaching Employees
MASBO	Manitoba Association of School Business Officials Inc.
MASS	Manitoba Association of School Superintendents Inc.
MAST	The Manitoba Association of School Trustees
MCCA	Manitoba Child Care Association
MCHCU	Manitoba Council of Health Care Unions
MCOC	The Manitoba Chamber of Commerce
MFI	Manitoba Fashion Institute Inc.
MFL	Manitoba Federation of Labour
MHA	Manitoba Hotel Association
MHO	Manitoba Health Organizations Incorporated
MMAA	Manitoba Municipal Administrators' Association
MONA	Manitoba Organization of Nurses' Association and Winnipeg Civic Nurses' Association MONA Local 1
RELTA	River East Library Technicians' Association
SEIU	Service Employees' International Union
WANTE	Winnipeg Association of Non-Teaching Employees
WCOC	The Winnipeg Chamber of Commerce
YM-YWCA	YM-YWCA of Winnipeg

The Concept of Pay Equity

Since the turn of the century, women have consistently been paid about two-thirds of what men have. Despite the dramatic increase in the number of women working outside the home and many other advances over the past 25 years, the wage gap not only continues but has narrowed little.

There are a number of factors that have contributed to the gap between men's and women's wages. These include occupational segregation; unionization; the perception that women work for "pin money"; attitudes that have resulted in women not being hired into jobs traditionally held by men; and the undervaluation of the skills involved in jobs traditionally held by women. As a result, closing the wage gap requires a number of different approaches. Pay equity is one of them.

Pay equity addresses one aspect of the wage gap, that of gender-based wage discrimination. Pay equity means equal pay for work of equal value. It is based on the principle that wages should be based on the value of the job, regardless of whether it is being performed by a woman or a man.

Labour laws across Canada, including Manitoba's Employment Standards Act, require that men and women be paid the same if they are doing the same work; this is commonly known as equal pay for equal work. But fairness is not guaranteed because most women and men hold very different jobs.

Pay equity goes beyond the idea of equal pay for equal work. It recognizes that different jobs in the same establishment may have equal or comparable value to the employer, and therefore deserve equal or comparable pay.

Historically, however, work traditionally done by women has been undervalued and underpaid for a variety of reasons. Therefore pay equity addresses this by comparing jobs that are predominantly done by women with those predominantly done by men. The skill, effort, responsibility and working conditions of the jobs are evaluated and compared. If any female-dominated jobs in a workplace are found to be of equal or comparable value to male-dominated ones, then the employees in those female-dominated jobs are entitled to receive pay equity wage adjustments. Pay equity can only address a portion of the wage gap. It needs to be accompanied by other measures, such as affirmative active, adequate child care, and equal pay for equal work. Nonetheless, it has been demonstrated that pay equity can close a significant part of the wage gap. For instance, at the end of the 4-year wage adjustment period pay equity implementation will close the gender wage gap by half in the Manitoba Civil Service.

The purpose of the consultation process was to identify and discuss the issues involved in developing workable pay equity implementation models in workplaces and sectors not covered by The Pay Equity Act.

The majority of written responses outlined positions on the concept of pay equity, models of implementation, scope and timelines of any future pay equity initiatives. Due to the inter-related nature of responses on these central issues, this section combines these perspectives.

Women's groups, labour organizations and the pay equity committees implementing voluntarily at the Seven Oaks and the Assiniboine South School Divisions, all expressed support for the principle of pay equity and for its implementation.

Many of these organizations agreed with the MFL[1] that pay equity is a measure that is "essential to eliminating the historic wage discrimination"[2] that has kept women from achieving economic justice and equality. CORC argued that "one of the keys to compliance with the Equality sections of the Charter is the elimination of systemic discrimination against women" and the "implementation of pay equity in Manitoba was a recognition that systemic discrimination against women in the work force did exist and could be addressed, in part, through pay equity".[3]

A number of groups stated their support for the Manitoba government's initiatives in pay equity, as well as for the model contained within The Pay Equity Act. However, most of these organizations also felt it was essential for pay equity to be extended so that all women in the workforce could benefit. Some indicated that although Manitoba had set the example in pay equity, other jurisdictions had followed and now surpassed Manitoba.

The YM-YWCA, whose Board of Governors has endorsed the principle and implementation of pay equity, stated the following position: "Pay inequities, largely occurring in jobs which have traditionally been held by women, have existed for far too long within a democratic society. This situation should no longer be tolerated by fair-minded businesspersons and politicians" and it hoped this would "be rectified as speedily, efficiently and fairly as possible."[4] MACSW called for the extension of the legislation as soon as possible as "little progress had been made" in closing the wage gap.[5]

Although these groups were unequivocal in their support for the concept of pay equity and its extension, many recognized that pay equity was just one of a number of measures needed to close the wage gap. Initiatives such as comprehensive and effective affirmative action legislation in the public and private sectors; broadening the definition of non-traditional jobs to encompass all occupations where women do not comprise their proportion of the general population; affordable, universally accessible child care; flex-time; and protection and benefits for part-time, casual, domestic and agricultural workers are also needed if women are to achieve economic equality and fairness.

Several organizations representing private sector employers, such as the WCOC, HRMAM and CFIB[6] stated they support the principles of fair pay practices and equal opportunities for women and men. The CFIB added that while "discrimination of any kind on the basis of gender is morally reprehensible," it felt that pay equity "legislation is the wrong approach to achieve a proper goal."[7] A number of the employer groups indicated that they support equal pay for equal work, but not equal pay for work of equal value.

Most private sector employer organizations took the position that pay equity (some used the term comparable worth) is a flawed concept and process. This perspective was fundamental to many of their comments and responses. The CMA explained some of the reasons underlying this

perspective. First, it rejected the argument that the "wage gap between males and females is inherent in job evaluation and compensation systems."[8] The CMA pointed out that the reasons behind the wage gap are "historical, multiple and complex"[9] and therefore looking to pay equity to close the gap was wrong. Second, the CMA took objection to the assumption made by pay equity that "work is not adequately valued now."[10] It stated that simply because some occupations may be predominantly female is no reason to conclude they are undervalued. The MCOC added that unless pay equity is "freely chosen by a business, [it] is not an appropriate means for determining rates for remuneration in Manitoba"[11] and contradictory to the "free enterprise principles in the private sector."[12] The CFIB stated that comparable worth is "a battle over how wages should be set in Manitoba."[13]

Many of these private sector organizations argued that the wage gap between men and women exists primarily due to reasons other than discrimination. The MFI stated "there are legitimate reasons for some portion of this gap."[14] For instance some groups, such as the WCOC, took the position that while 5-10% of the wage gap is estimated to be due to discrimination, most of the "publicized wage gap of 30-35%" is primarily the result of societal and personal pressures.[15] It is socialization, the WCOC stated, that has prompted women "to consciously choose occupations" which: earn lower rates of pay (even in fields such as law women will choose family law, which pays less, instead of corporate law); have more predictable hours; and allow "relative ease of job market entry and exit"-- factors which are "complimentary with raising a family."[16] The WCOC thought that fewer women being unionized and their over-representation in part-time jobs also contributed to the wage gap between women and men. The CFIB added that "crowding" was also a key factor. The concentration of women in a few occupations has meant "excess supply leading to lower labour costs. A major source of the gender gap is therefore due to micro-economics, not discrimination."[17]

The CFIB felt that the government's pay equity consultation process should have addressed the various causes of the wage gap in Manitoba, instead of focusing on ways to implement pay equity. Therefore, the CFIB recommended that any further studies should be on the wider issue of the gender-based wage gap and should:

i) include "comprehensive and objective analysis of all the factors affecting variable pay levels across genders or other social groups"
ii) determine the root causes; and
iii) examine various policy options (including the cost-benefit of each).[18]

Many private sector organizations made suggestions with regard to other and more effective measures for addressing the wage gap -- these are outlined in the sub-section on "Models of Implementation" page 7.

The CFIB stated that it could not "deny that some small degree of pay discrimination by gender still exists. However, tremendous gains have been made and the pace of improvement is accelerating...women are acquiring greater skills, aspirations and job mobility which translate through market factors to better economic well-being."[19] Some groups, like the CMA, indicated that if discrimination was really found to exist, then it was an issue for the human rights code. Others, such as the WCOC and MFI, agreed that the wage gap was gradually being reduced through "the normal course of events . . . [with] more women working full-time at careers . . . [and] business when it has perceived obvious inequities, has attempted to reduce the gap."[20]

Models of Implementation

The discussion paper outlined the different approaches (e.g. pro-active, complaint or integrated) and methods (i.e. regulation/legislation, contract compliance, collective bargaining and voluntary) for implementing pay equity, based on models which exist in Manitoba and elsewhere.

Many supporting the concept of pay equity (primarily women's and labour groups) also advocated a pro-active approach. The RELTA took the position that "pay equity is morally correct," therefore employers and those representing employees should consider pursuing it.[21] The YM-YWCA not only endorsed a pro-active approach to pay equity, it indicated it had begun pro-active implementation within its own organization, as had the employers and employees in the Seven Oaks and the Assiniboine South School Divisions.

Several of these organizations rejected the complaint-based model as an overall method of implementation. The EPCM felt that requiring employers to act was preferable to waiting for individual employees to collect sufficient information in order to lodge a complaint. MACSW stated that the "systemic discrimination such as is evident in gender-based wage inequities responds too slowly" to a complaint-based approach.[22] CUPE commented that many examples already existed of the problems associated with such a model. The MFL expressed concern regarding the limited progress that had been achieved through complaint-based systems.

MACSW stated it did not advocate "splitting" the model(s) whereby some employers would be required to implement pro-actively while others would be subject to a complaint-based approach. They felt this would "perpetuate inequity" between different groups of women.[23] However, some groups did see a complaint mechanism being feasible as a monitoring and maintenance device to be used within a pro-active implementation model. These comments are found in the "Administrative, Monitoring, Enforcement and Maintenance Mechanisms" section on page 41.

The CFIB expressed its concern that a "pro-active approach assumes the employer is guilty until she or he is proven innocent."[24]

Legislation

i) Women and Labour

Support for the extension of pay equity through legislation was stated unanimously by virtually all the labour and women's organizations that responded. Most of these groups felt that legislation was essential for achieving "non-discriminatory pay practices."[25] While many indicated support for the model contained within The Pay Equity Act, they also wanted modifications to the legislation before it was extended. The changes they proposed to the legislation are enumerated throughout various sections in this report. Some of these women's and labour groups sector specific comments concerning legislation are elaborated on pages 9 -11. Their general comments with regard to the scope and timing of legislation are found on pages 13 - 14.

ii) Business Community

Most of the private sector employer organizations did not agree with legislation as a "vehicle of change."[26] The MCOC felt that "compulsion has no place in marketing comparable worth in our market economy"; instead education and encouragement were the way to go.[27]

Since most private sector employer groups see the wage gap as being caused by societal norms and not business discrimination, they did not believe the government "should force the business community to correct this disparity through legislation."[28] The HRMAM felt that "a major social restructuring as this cannot be effectively legislated."[29] In 1987 the WCOC recommended that its members implement a "policy of voluntary employer compliance to achieve the spirit of pay equity."[30]

The MHA took the position that pay equity legislation should not be implemented in the private sector. It felt the hotel industry does not have gender-dominated positions other than entry level ones (e.g. housekeeping and maintenance) which are usually paid at a minimum level. Therefore, the MHA questioned the applicability of the process to its industry. The CFIB expressed a concern about the "growing trend to look to government for the 'quick fix'," i.e. legislated solutions.[31]

The MCOC felt that there has been "oversimplified reliance" on the International Labour Organization's Equal Remuneration Convention No. 100 in justifying "mandatory pay equity"[32]:

> The Convention makes it very clear that each member organization shall, "by means appropriate to the methods and operation for determining rates of remuneration, promote and, insofar as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value." It is respectfully submitted that this does not mean legislated pay equity. It means what it says. It must be by "means appropriate to the methods in operation," namely, supply and demand or the market place.[33]

The MCOC stated that pay equity legislation is designed to address only a small portion of the wage gap, namely that caused by occupational segregation. Several groups cautioned that pay equity legislation might not be as effective as the government may think, and instead would have negative effects. The CMA felt that pay equity "will do nothing to develop better employment opportunities for women."[34] Instead some predicted that companies will become uncompetitive, some women will lose their jobs, while other women will be hurt through fewer hirings, and other workers will increase their wage demands in an effort to keep up. The MCOC made the point that the effect of the legislation may be an increase in discrimination towards women workers. This led some groups, including the CFIB, to conclude that private sector pay equity legislation will "create more problems than it solves."[35] The MFI saw pay equity legislation as an academic and theoretical solution to the wage gap.

Most groups suggested other measures that they felt would be more appropriate for narrowing the wage gap between women and men. Education was seen as the primary and most effective answer to addressing a situation that results from societal values. They agreed that education needed to be

used to increase awareness and to change attitudes. Several groups, such as the WCOC and HRMAM, focused on the need for improved vocational counselling, particularly in the school system. The CMA felt that "nurturing [an] "equality" attitude at the school age level" was required.[36] The CFIB pointed to the need to encourage women, especially young women, to pursue apprenticeship trades and professions (such as science, technology and sales) where shortages exist.

The CFIB, CMA, and HRMAM all advocated that the monies designated for pay equity should be channelled for education, counselling and training in non-traditional occupations.

Many organizations also indicated that voluntary affirmative action would be a far more effective initiative in the long run by "providing upward mobility"[37] for women. The WCOC believed that with more women in the labour force and in higher level positions the wage gap will narrow. The HRMAM was of the view that the province's business community would be "responsive to voluntary programs which provide a climate for employers, unions and educators to co-ordinate their efforts in promoting equal opportunity employment through education and training."[38] The CFIB suggested that consideration be given to the option of improved training and education of managers so as to "enhance job development and human performance planning in those occupational categories primarily occupied by women."[39]

The CFIB also strongly advocated the promotion of female enterpreneurship. Given that between 1981 and 1986 women started their own businesses at five times the rate of men, the CFIB felt that the government should concentrate on such positive trends and allocate its already scarce resources to assist entrepreneurship.

The CFIB identified a number of policy areas it thought needed consideration in terms of their effect on the "labour market mobility" of women, such as: "inadequate child care, restrictive seniority clauses in unionized industries, or excessive and arbitrary prerequisites to various job descriptions."[40]

iii) School Divisions

The Seven Oaks Ad Hoc Advisory Committee on Pay Equity indicated that while it favours and has adopted a voluntary, co-operative model, in the absence of such co-operation they support a pro-active model and the extension of pay equity legislation to them.[41] However, the Committee was concerned that its implementation efforts be recognized as valid if legislation was brought forward.

WANTE and MANTE called for the extension of pay equity legislation to school divisions in order to address the "significant gender-based wage differences"[42] that exist and that this legislation should be introduced at the "next sitting of the Legislature."[43] CUPE wanted to see the legislation extended to all sectors where it represents workers, including school divisions and municipalities.

MAST, MASS and MASBO[44] did not articulate a position either favouring or opposing legislation per se. However, they did point out that their comments adhered to the "how to implement" focus of the consultations. In that context, they indicated they wanted the "development of effective and

workable legislation/regulations''[45] that addressed the unique characteristics of school divisions/ districts. All three organizations felt that a ''realistic grace''[46] period prior to legislation was needed in order to allow for education of the parties and the development of the necessary systems, such as job descriptions (which do not exist in most school divisions), so ''the job can be well done.''[47] They also pointed out their limited human resources and expertise for purposes of pay equity implementation. At its March 1989 annual convention, MAST passed a resolution calling for a ''broader and more extensive consultation and education process with all school divisions prior to proceeding with . . . legislation.''[48]

iv) Municipalities

The MMAA took the position that ''pay equity will probably have to be imposed and enforced by the province as far as most small municipalities (10 employees or less) are concerned.''[49] The MMAA felt that employees simply trying to push the issue would not work. It added that ''many councils in these [small] municipalities do not understand the negotiation process and any attempt by employees to negotiate is ignored at best or at worst leads to retaliation.''[50] The MMAA indicated that this had in fact occurred in the past 10 years and employees had neither protection nor recourse.

MONA felt that the model contained currently in the legislation would be applicable for the City of Winnipeg and called for legislation to be introduced as early as possible.

Although the IUOE did not specifically state support for a legislated model, all of its suggestions were framed as occurring within legislation. For instance, the IUOE suggested having the legislation phase-in pay equity on the basis of size within municipalities, e.g.those with over 1,000 employees, then those with 50 or more and finally those with fewer than 50 employees. Given that the vast majority employ approximately fewer than eight workers, the IUOE felt that phased implementation would provide the smaller municipalities with ''time to adjust to the legislation,'' as well as an opportunity to learn from the implementation experiences of the larger municipalities.[51]

The City of Winnipeg stated that ''while pay equity is a necessary and desirable objective, legislation causing its implementation must itself not create inequality, nor be blind to the realities of collective bargaining or ignore the principles that form the foundation of job evaluation.''[52] The City also pointed out that its submission followed the ''how to'' focus of the consultations and therefore only addressed issues related to the implementation process itself.

Several of the municipalities indicated that while they had ''no quarrel with the principle,''[53] they wanted municipalities to be exempted from pay equity legislation for a variety of reasons.

The City of Brandon's primary concern was the costs involved. It expressed hoped that the province review other methods which could be developed to address the issue.

The City of Thompson believed that the job evaluation systems it has developed and modified over time (which included the participation of the union) for its employees was ''very close to the objective''[54] of pay equity. The City expressed concern about having to tamper with those existing systems.

The City of Thompson also felt that the use of "size" as a criteria for inclusion under pay equity was arbitrary and for those municipalities close to the "breakpoint" number it could serve as a disincentive to hire more employees.[55] Its other concern regarding size was that if only the larger municipalities were required to implement, it would not be fair as the larger ones tend to be more unionized and therefore the employees are better paid and have more benefits. The City pointed out that municipalities have a lower proportion of female employees than the private sector. Therefore if proportion of female employees in a sector is criteria for inclusion or exemption, the City suggested implementation in the private sector might be considered before municipalities.

The Town of Selkirk was also concerned that if legislation was implemented, it would be "selectively applied" and Selkirk would be "one of a small number bearing the brunt of the considerable cost and effort involved."[56] As well, the Town indicated it was "not convinced that [pay equity] can be implemented in such a way as to avoid creating more inequities than it corrects."[57]

v) Health Care

In the health care sector the two key organizations, MHO and MCHCU, shared a concern about the disruption of provincial wage rates for certain health care workers, namely nurses and technicians, as a result of pay equity wage adjustments in only 23 of the facilities. They advocated that the pay equity results for the 23 facilities under the Act be administratively extended to the remaining health care facilities. A two-tier pay system will create recruitment and retention problems, therefore both would have preferred that all health care facilities had been required to implement all at once.

MHO was also concerned about the costs and efforts involved if the parties had to re-visit all the implementation steps for the remaining facilities (e.g. applying a different job evaluation system), not to mention it would not contribute to preserving the provincial wage rates.

Therefore both MHO and MCHCU concluded that an administrative approach was the best answer for their particular situation. MCHCU added that, in retrospect, health care should have been included in the "general civil service pay equity process" given the level at which it is funded by the provincial government.[58]

The MCHCU indicated it wanted the administrative extension of the "agreed-to results"[59] to be conducted as soon as possible: in consultation with bargaining agents; with the continued involvement of the pay equity officer; and having the Pay Equity Bureau monitor the implementation. The MCHCU also outlined which health care facilities should be included in this exercise: the outstanding hospitals, public and private nursing homes, community health centres, medical clinics, and other facilities such as the Westman Regional Lab, the Red Cross and the Kiwanis Centre of the Deaf. It added that the Municipal Hospitals and the City of Winnipeg's public health department fall under the municipal sector. The MFL and CUPE, in their respective briefs, endorsed the MCHCU's position.

Women's Health Clinic indicated that although MHO's brief refers only to hospitals and personal care homes, MHO's membership also includes Community Health Centres. Therefore, Women's

Health Clinic pointed out, MHO's "paper and recommendations should be read to include C.H.C.s."[60]

vi) Child Care

The MCCA proposed that a variety of initiatives needed to be undertaken to ensure that (a) workers in general and (b) child care workers in particular, in female-dominated establishments can benefit from pay equity. First, it called on the provincial government to establish prior to the 1990/91 fiscal year, in conjunction with the MCCA, a province-wide salary scale for child care workers which:

i) was funded by the province; and
ii) reflected both the findings of the Mansis Report[61] and the results of pay equity implementation for child care workers at the Universities of Winnipeg and Manitoba.

Second, MCCA proposed that pay equity legislation covering all women in the workforce was needed. The MCCA agreed with the EPCM's position that the law had to be flexible enough to allow for "job matching" across organizations so that workers, such as those in child care centres (which usually do not have any male-dominated jobs for comparison), can benefit from pay equity. The MCCA felt that such cross-establishment approaches were necessary towards developing the appropriate salary benchmarks which predominantly female occupations, like child care, could then use. This issue of predominantly female workplaces is discussed in more detail in the section on "Defining Establishment" on page 15.

Contract Compliance

The MFL and CUPE took the position that any companies receiving government funding should be required to implement pay equity. As a result, both wanted the government to continue negotiating pay equity provisions into Development Agreements. MACSW agreed that contract compliance, as one approach, has been shown to be effective.

Collective Bargaining

The MFL commented on the issue of collective bargaining as a means of achieving pay equity. The MFL felt that while it was an acceptable mechanism, it often could not effectively address the "gender-based wage gap."[62] It pointed out that collective bargaining is restricted to individual bargaining units. As well, often only male employees are unionized. Therefore, the MFL saw pay equity legislation, which requires a single gender-neutral job evaluation system across all bargaining units and including non-unionized workers, as a more comprehensive approach to achieving pay equity.

CUPE agreed with the MFL's position noting that the job evaluation plan it negotiated at the Health Sciences Centre in the 1970s (referred to in the discussion paper) had only applied to CUPE local 1550 and did not involve the rest of the organization.

Voluntary

As outlined earlier, most private sector employer organizations, such as the WCOC and MCOC, expressed preference for voluntary implementation of pay equity.

Several women's and labour groups, however, stated their opposition to a voluntary approach. MACSW said it did not believe voluntary implementation would be effective in achieving significant progress. MACSW cited the example of the federal government's encouragement of voluntary affirmative action programs in the 1970s as a case in point. CORC also was not hopeful that efforts to encourage employers would succeed. It pointed out that "the reality is that the present situation is one where the voluntary approach has been in place" for years and yet the wage gap has not been closed.[63] The MFL concurred and added its opinion that the three voluntary implementation examples referred to in the discussion paper, probably would not have happened if they did not think that extension of the "legislation to them was imminent."[64] The MFL and CUPE shared the view that although these voluntary efforts used the legislation as a guideline, there was no obligation to follow the Act and consequently the process and results are not as reassuring for the employees. The MFL pointed out that "no private sector employer has yet volunteered to implement pay equity" thus prompting it to conclude that legislation was needed to "implement and enforce pay equity in all sectors of the economy."[65]

Scope

Broad Application

Many of the organizations that support pay equity, most of them women's and labour groups, took the position that the legislation must apply to all women in the workforce, regardless of the size of the organization, the sector, or the level of unionization.

Several groups, including CAIMAW, made the point that the legislation currently covers the "smallest possible number of women."[66] As MASCW pointed out, they want the "maximum number"[67] of women to benefit and any exemptions "should be very limited."[68] The EPCM stated that pay equity "cannot be implemented in a discriminatory fashion . . . if we are really serious about correcting an injustice."[69] Both MACSW and the EPCM expressed concern about creating two-tiers of women workers, those covered by new legislation and those not. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity felt that pay equity should be implemented as universally as is feasible.

These organizations, such as the MFL, wanted to see pay equity legislation apply to all those not currently covered, specifically referring to the rest of health care, social service agencies, child care centres, school divisions, municipalities and the private sector. CAIMAW stated the Manitoba government should adhere to the International Labour Organization's Convention 100 which applies to all workers and consequently there should be no separation between the private and public sectors.[70] Many believed that the inclusion of the private sector under pay equity legislation is essential because the wage gap is greater, more women work in the private sector and fewer of

them are unionized. MACSW recognized that small businesses and non-profit community agencies would face particular problems in trying to implement pay equity. Nonetheless, MACSW was confident that "creative solutions . . . such as pooling resources and efforts, or the development of simple job evaluation methods" specifically for these organizations could be developed to assist them.[71] The MMAA noted that municipalities with fewer than 10 employees were where workers are "most in need of pay equity being imposed on a province-wide basis."[72]

Exemptions

A number of private sector employer organizations, such as the CMA, MCOC and MFI, expressed concerns about pay equity "regardless whether the concept is applied in the public or private sector."[73]

The MFI felt that while pay equity will create significant problems for the public sector it would "seriously disrupt the private sector."[74] It stressed that the two sectors could not be "compared in terms of resources, structure, objectives and their ability to ignore the market place."[75]

Many of these groups stated their unequivocal opposition to private sector pay equity legislation. In May of 1989, at its annual convention, the MCOC passed a resolution "recommending that The Pay Equity Act not extend to the private sector."[76] The MCOC emphasized that due to the large proportion of small employers in the province and "the fragility of the private sector," the government should limit its efforts to encouragement.[77] With regards to the civil service, the MCOC felt that instead of passing legislation the government just had to "increase the wages in accordance with criteria considered to be appropriate and which would be generally accepted as being objective."[78] As for the rest of the public sector, it also believed that legislation was unnecessary while adding to the bureaucracy and incurring more expenses.

The WCOC wanted the government to first report on implementation in Manitoba's public sector before considering legislating the private sector.

The HRMAM was of the view that Manitoba "is in the enviable position" of being able to observe and learn from private sector pay equity implementation in Ontario.[79]

Timing

Many proponents of pay equity also wanted to see the implementation "take effect immediately"[80] or as quickly as possible. Several groups indicated that they were not opposed to phasing-in or staggering implementation by sector but within the legislation (as the existing Act did for the civil service and then for the universities, Crowns and health care facilities). The EPCM felt that phasing-in different sectors at different times might make it easier for administering and monitoring purposes. The MFL agreed and added that in the case of the private sector, phasing-in could be done on the basis of size i.e. starting with the largest employers, then the mid-size ones, and finally those with the smallest number of employees. The MFL also believed that staggering implementation according to size would establish some wage adjustments that could serve as benchmarks for smaller employers.

Defining Establishment

Manitoba's legislation did not include a specific definition of establishment. Instead it cited and defined the categories of organizations that were required to implement, e.g. "Crown entity" and in the case of the "external agencies" it also named each organization. Some jurisdictions, particularly those whose legislation applies to the private sector, chose to develop a specific definition.

Defining establishment involves determining which employers will be required to implement pay equity and the parameters of the organizations to be affected. These parameters are key in determining the scope for job comparison and the amount of payroll potentially available for pay equity wage adjustments. This definition is also significant in that all legislation in Canada up to 1990 restricts pay equity comparisons and evaluations to the same "establishment," where the objective is to determine the relative internal value of gender-dominated job classes within the same organization.

One of the more critical issues that has emerged with regard to defining establishment for the purposes of pay equity, is that of predominantly female workplaces that lack male-dominated job classes with which to make the necessary comparisons. In Ontario, it was estimated that potentially close to 900,000 women (or half of those covered by their Act) might not benefit from the legislation because they work where there are too few men for comparison purposes.[1] Some of the recommendations that came forward during Ontario's pay equity consultations to address this issue, such as cross-establishment comparisons and proportional value, would alter the current approach to pay equity i.e. the concept of "internal value."[2] The Ontario Pay Equity Commission has prepared two reports on predominantly female workplaces. The most recent report recommended that:

i) every female-dominated job class for which no male comparator can be found should have access to new methodology;
ii) several new methodologies could be applied; and
iii) amendments to the Act were required for the recommendations to become effective.[3]

In response to Manitoba's consultation process, a number of organizations wanted the definition of establishment to be broad and flexible so that as many women as possible could benefit.

Reflecting on their experience in the health sector, both MONA and MCHCU advocated a broad definition to ensure there are enough classes "to make the exercise meaningful."[4] MCHCU, CUPE and MHO indicated that if the parties in the 23 health care facilities under the Act had not agreed to an industry-wide approach, then implementation on an "establishment" (or individual facility) basis would have meant that the Act could not have been applied in thirteen of the facilities due to lack of comparable male job classes. As well, a facility-by-facility approach would have disrupted the provincial wage rate system that exists for certain health care workers. Both MHO and MCHCU felt that the Act did not sufficiently take into account the circumstances facing multi-employer and multi-union situations. MCHCU felt that the option to bargain industrially should be made more explicit in the Act. In other words it should be included in the legislation as a "voluntary option"and if the parties cannot reach agreement there should be provision for referring

the issue to a dispute resolution mechanism.[5] Other groups, such as the EPCM and CUPE, agreed that negotiations conducted on an industry or province-wide basis should be respected in terms of pay equity implementation.

A number of organizations stressed that the definition should be flexible enough to recognize historical bargaining relationships and situations where workers are covered by a single collective agreement. For instance, the Manitoba Food and Commercial Workers' union has one collective agreement with Canada Safeway, covering all its members across the various stores in the province. CUPE cited the example of Winnipeg Hydro whose employees are members of CUPE Local 500 and are covered by the same collective agreement as all the other City of Winnipeg employees that CUPE represents, e.g. in libraries, parks and recreation, and Municipal Hospitals. CUPE assumed that this bargaining relationship would be respected and that Winnipeg Hydro would be included in any City of Winnipeg implementation effort. Other examples also exist, such as the Town of The Pas and the Kelsey Recreation Commission which have one collective agreement with CUPE Local 745.

CUPE indicated it did not support using a "specified geographic boundary."[6] It pointed out that Winnipeg Hydro employees work at Pointe du Bois and in rural areas employees of school divisions work in different towns. CUPE expressed concern that basing "establishment" on geographic boundaries might enable an employer to maintain or establish different compensation practices. Several other organizations, such as the MFL and EPCM, agreed that any definition of establishment should allow for multiple geographical areas.

MACSW acknowledged that defining establishment could be quite complex particularly in the private sector, e.g. franchises, branches in different regions, etc. The EPCM, MFL and CUPE all endorsed using the "corporate" definition of establishment proposed by the Equal Pay Coalition of Ontario, which would include: "related employers so that associated or related activities, businesses, trades or undertakings carried on by or through more than one corporation, individual firm, syndicate or association, or any combination thereof, under common control or direction are treated as one employer."[7] The MFL felt that franchise and chain operators should be considered as "related employers" for pay equity purposes.

Some of the suggestions for determining "establishment" for pay equity purposes, were more sector specific. For example, some school division organizations wanted implementation to be on an individual division basis, while others wanted some flexibility for cross-division comparisons.

MAST, MASS and MASBO advocated that each school division/district should, by definition, be considered a separate establishment. MASS felt the "underpinning strength of local autonomy should be respected."[8] MAST indicated that school divisions are deemed to be "separate entities" in terms of "funding, ability to raise local taxes, decision-making with respect to providing educational services, and wage setting."[9] MAST added that cross-division bargaining with different locals of the same union does not exist in the public education sector. MASBO pointed out that the divisions are very different, with different wage rates and degrees of unionization among non-teaching staff. MAST suggested that naming the entities might avoid any misunderstanding, as well as allowing for phasing-in of divisions similar to the approach in the Act, e.g. civil service, then Crown entities, etc.

MAST felt that there would be enough male-dominated job classes for comparison within the school divisions. If there should be a lack of male comparators, MAST stated it opposed any comparisons with another "establishment," as well as the use of external job matching. It pointed out that the purpose of the legislation was to achieve relative internal equity between gender-dominated classes.

WANTE and MANTE also took the position that an industry-wide approach would be "unworkable," and implementation would need to be on a division by division basis.[10] However, they thought that the public school system should be treated as one employer for certain limited purposes, such as the selection of a job evaluation system.

The Seven Oaks Ad Hoc Advisory Committee on Pay Equity took the position that if any school divisions were included, they all should be included. They felt that this would allow for comparisons between divisions across the province. The Committee added that any province-wide negotiations or implementation would need to be flexible, as their preferred route was local bargaining and resolution of issues.

The Assiniboine South Pay Equity Committee saw some potential advantages to defining establishment to include regions of school divisions, for example as they are grouped by MAST. They felt that divisions, and particularly the smaller ones without in-house staff resources, could benefit from the selection of one job evaluation plan for all divisions; a standardized approach for identifying gender-dominated jobs; and the sharing of information and efforts. However, the Committee acknowledged that such an approach would prompt concerns regarding local autonomy.

ASANTE favoured defining establishment in such a way that would permit the inclusion of employees across school divisions who perform "certain tasks common to all the schools."[11] ASANTE felt that such a provision could avoid the situation they had faced while trying to implement, namely classifications with one incumbent and few male comparators.

RELTA viewed the lack of a mechanism for cross-school division comparisons as one of the obstacles that needs to be resolved prior to implementing pay equity.

In the municipal sector, the MMAA supported a province-wide definition of municipalities. Since most municipalities have only a few employees and each position is usually different, they felt that establishing one compensation system across municipalities province-wide would facilitate pay equity implementation.[12] They wanted one committee of employee representatives and employer representatives (i.e from the Union of Manitoba Municipalities and the Manitoba Association of Urban Municipalities) to be established to hold one set of pay equity negotiations for all municipal employees.

The IUOE did not specifically comment on defining establishment. However, it did recommend that one committee be formed by the provincial government consisting of representatives from the small municipalities and from labour, as well as a consultant. It suggested this committee could focus on one or two small municipalities and then use the results to apply the legislation to all other municipalities. The IUOE felt that such an approach for the small municipalities should be

considered in the legislation, especially due to the costs involved and the small number of workers that each employs. It also added that working through such a committee might reassure the municipalities that the results would be "equal" across the province.[13]

MONA saw the City of Winnipeg as an appropriately defined establishment for the purposes of implementing pay equity. The City of Winnipeg employs nurses (MONA Local 1) who work in both the City's department of public health and in the Municipal Hospitals. While there is a hospital board governing the Municipal Hospitals, MONA (and CUPE) saw the City as the employer and felt that all its Local 1 members should be within the City's jurisdiction for the purposes of pay equity.

The City of Winnipeg's brief indicated that there are 28 Departments (including Municipal Hospitals and the Employee Benefits Board) "within the organization called the City of Winnipeg."[14] It pointed out there are a number of organizations which are not considered to be departments of the City, such as Winnipeg Enterprises Corporation, the Convention Centre Corporation, the Winnipeg Convention & Visitors Bureau, the Red River Exhibition Association, the Winnipeg Housing Rehabilitation Corporation, and various museums, etc.

Female-Dominated Workplaces

During the consultations several organizations made recommendations as to how existing pay equity legislation could be revised to ensure that women working in predominantly female establishments could benefit from it.

The EPCM, MFL, MCCA and CUPE took the position that as a first step, universal coverage under the law should be provided to all women in the workforce, irrespective of size or sector or unionization of a workplace.

Next they recommended the definition of establishment should be sufficiently flexible to include job matching across establishments. Job matching would involve using the results of pay equity implementation in workplaces where male comparators have been found, to provide matches for similar female-dominated jobs in establishments where no male comparators exist. An example of this is the MCCA's proposal to take the pay equity results for child care workers that were part of the implementation efforts at the University of Winnipeg and the University of Manitoba, and job match or apply them to child care workers in other establishments where there is no male comparator. Or, the results could be matched to a worker in another similar area, such as a nursery school teacher. As the MCCA pointed out, "existing pay equity models are not effective" for predominantly female occupations such as child care.[15] It only works if child care centres are contained in other larger organizations with a more diverse range of jobs, such as the universities. However, most centres are autonomous establishments.

The EPCM and MFL indicated that they were not necessarily suggesting wages be fixed across an industry or identically matched to the wages of the original establishment. Instead they saw the proportionate value of the job, as compared to another, being applied to workers in the same or

similar types of occupations. They also suggested this type of methodology could serve as a viable solution for small employers in any sector where pay equity implementation may be more difficult and costly to do.

If a situation did arise where no male comparators (even through job matching) existed for certain female-dominated job classes, the EPCM recommended that the Pay Equity Bureau refer such cases to a Pay Equity Board which would be empowered to "determine mechanisms for achieving pay equity."[16]

The MFI indicated that in most apparel factories there may not be enough "male-dominated occupations to make them eligible for comparisons."[17] It explained that over the past several years some of the "male-dominated occupations, such as cutters and pressers have gradually become more integrated as the new equipment alleviates the need for brute strength."[18] The MFI felt that it "would not make economic or common sense to advocate that sewing machine operators be compared to male groups in entirely different industries."[19]

"It is particularly ironic," stated MACSW, "that current pay equity legislation does not apply to female-dominated workplaces."[20] A number of the labour and women's organizations recognized that pay equity alone may not be enough of a solution, and that a range of other policies are also needed.

The Equal Pay Coalition in Ontario recommended several other measures that would assist women who may not be able to benefit from pay equity legislation. The recommendations, which the EPCM and MFL endorse, are as follows.[21] First, increase the minimum wage in the areas where many women are currently working. The MFL proposed that the minimum wage be increased to 60% of the average industrial wage for Manitoba, e.g. as of September 1988 60% of the AIW ($10.06) would be $6.01. "Because so many women work at jobs at or near the minimum wage, this may be the most important pay equity adjustment the province could make" stated the MFL.[22] Second, provide protection and benefits for part-time and casual workers. The MFL called for the Employment Standards Act to be amended to provide the same protection and benefits on a pro rata basis to part-time and casual workers as exist for full-time ones. MACSW also wanted to see domestic and agricultural workers covered by such legislation. Third, implement legislation for mandatory affirmative action, with "special emphasis for visible minority women" added the MFL.[23] Fourth, remove legal obstacles to organizing women into unions. The MFL referred to statistics that show that if a female worker is unionized her wages will increase on average 43% (or $3.35/hour). The MFL pointed out that it is especially difficult to unionize women who work part-time. Therefore they felt that "implementing anti-scab legislation, and maintaining final offer selection laws . . . and legislation requiring employee lists to be available to unions" would assist these efforts.[24] Fifth, that the province provide sufficient funding to community and non-profit agencies (which often rely heavily on government monies) to cover the costs of paying women fairly.

Defining Employee

Defining who constitutes an "employee" in an organization is important in determining the scope and effect of pay equity. Manitoba's Pay Equity Act does not provide a definition of employee. As a result, some of the parties which implemented under the Act did seek clarification from the Pay Equity Bureau. Most pay equity legislation in Canada does define "employee." Therefore, the discussion paper raised the issue of whether parties would prefer the outlining of a specific definition of employee (and if so what it should cover) or whether to let the parties negotiate the matter and where they felt the need to seek the advice of the Bureau.

A number of groups stated support for the provision of a specific definition. MASBO indicated that the inclusion of a definition would be of assistance "given the diverse nature" of employees hired by school divisions.[1] MONA took this position because it wanted "to minimize the need to seek interpretations."[2]

CUPE pointed out that the issue of who was an "employee" arose in organizations under the Act which are highly unionized, therefore CUPE saw the provision of a definition for less unionized sectors/organizations as even more necessary. MACSW felt strongly that such a determination "should not be left to individual employers" to decide.[3]

Some of the groups, primarily labour and women's groups, that support defining "employee" wanted it to be flexible and broad enough to include anyone who has an "employment relationship with the employer."[4] They stated that the determining factor should not be the individual status of an employee, but whether the employer continues to hire persons occupying a particular classification. CUPE cited the example of Teacher Aides. Some school divisions may consider Teacher Aides to be contract workers, yet those divisions continue to have a complement of Teacher Aides on staff at all times -- in other words "dependent contractors."[5] CUPE, and other organizations such as the MFL, EPCM, MONA and MCHCU, took the position that such classifications should be included, evaluated and if female-dominated, eligible for wage adjustments. The EPCM and MFL also wanted casual workers to be included in the definition of employee.

MACSW advocated that the most "widely inclusive" definition should be developed so as to avoid perpetuating the "marginalization" of many jobs held primarily by women.[6] MACSW cited casual, contract, part-time and temporary work as examples of this "marginalization" -- mechanisms through which labour costs can be reduced because they do not provide benefits or job security. MACSW also expressed its desire to have pay equity address the needs and circumstances of domestic and agricultural workers, particularly since they have limited or no protection under employment standards legislation. While acknowledging that pay equity may be difficult to apply as many of these women work as individuals, it pointed to examples where large numbers of these workers are employed, e.g. hire-a-maid service and agribusiness operations.

Both MONA and MCHCU took the position that contracting out should be clearly prohibited to avoid non-compliance. A number of private sector employer groups, such as the MFI, predicted that one result of pay equity could be increased contracting out.

MAST, MASS and MASBO stated that "employee" should be defined to include only permanent full-time and permanent part-time workers.

Several school sector organizations commented on the status of teachers with regard to pay equity implementation. MAST, MASS and MASBO all took the position that the pay equity process should not apply to teachers. The reasons they gave were:

i) teachers, as a group, are gender-balanced, i.e. would not be covered by definition of a gender-dominated class; and

ii) teachers have already achieved pay equity within their existing pay scale.

MAST and MASS both called for the specific exclusion of teachers from pay equity legislation. MAST pointed out the "teachers are not defined as "employees" under the Employment Standards Act nor the Labour Relations Act. They are specifically provided for under the Public Schools Act."[7] The Seven Oaks Ad Hoc Advisory Committee on Pay Equity also felt that there was little to be gained by including "professional personnel," such as teachers; but that all other employees should be included.[8] The issue of whether teachers' salaries should be included in payroll is discussed under "Wage Adjustments" on page 36.

The Seven Oaks Ad Hoc Advisory Committee on Pay Equity supported a flexible definition of employee "as determined case by case by policy of the Pay Equity Bureau."[9]

Defining Gender Dominance

Gender dominance is a concept that has been central to the issue of pay equity. This focus on gender dominance is an attempt to address the fact that a significant portion of the undervaluation and under compensation of traditionally female-dominated occupations exists simply because the work is done by women.

In Manitoba's legislation, a job class must have a 70% gender domination level and at least 10 incumbents in order to be considered female or male-dominated. It also includes some flexibility regarding classes of 1-9 incumbents. Employers with 500 or more employees could negotiate the inclusion of these smaller job classes. Employers with fewer than 500 employees were to be guided by regulations. Such regulations were never developed and instead a guideline was issued to assist the parties. The inclusion of classes of 1-9 incumbents was an issue for all of the legislated entities, regardless of size.

Other jurisdictions in Canada, primarily those with pro-active models, also include a definition of gender dominance. The provisions in these jurisdictions vary as to: the domination level; whether a certain number of incumbents in a job class is required or not; and in the use of historical incumbency and gender stereotyping as criteria for determining gender dominance.

Gender dominance has been used as a feature to distinguish pay equity from what is often referred to as internal equity, whereby all job classes in an organization are compared and evaluated using a gender-neutral job evaluation system.

Support for maintaining the "10/70" provision was expressed by MAST, MASS and MASBO.

MASS felt that the current definition of gender dominance was "reasonable and functional."[1] MASS stated that the provision regarding classes of 1-9 incumbents offered guidance to the parties while still being flexible enough to allow the parties to decide for themselves. It added that such an approach was consistent with a "pro-active negotiated model."[2]

MAST pointed out that most organizations that had implemented under the Act included classes with fewer than 10 incumbents. Therefore it thought that this flexible approach within the current definition should continue. MAST indicated that it did not forsee a lack of male classes for comparison. However, if that should be the case, then it would "oppose any comparison to an outside entity or the development of external "job match."[3] MAST suggested that before legislation is brought forward, the workforce profiles of the school divisions should be reviewed.

Many organizations wanted to see the current definition of gender-dominated job class changed. Several groups saw the setting of percentages and numbers as too arbitrary and as potentially excluding too many female workers, especially in the private sector.

Most of the concerns centred on the 10 incumbent provision. A number of unions, including RELTA, WANTE and MANTE predicted that the current definition would be "unworkable" in

school divisions, particularly the smaller ones.[4] The Seven Oaks Ad Hoc Advisory Committee on Pay Equity indicated that the 10 incumbent provision did cause them "some difficulty,"[5] and concurred that it could be worse in smaller divisions. At Assiniboine South School Division, even though all classes were evaluated irrespective of size, the parties still experienced problems due to very few male jobs for comparison, e.g. the male wage line was flat, resulting in compression within the female salary ranges.

CUPE, IUOE and MMAA believed that this would be equally problematic for the municipal sector, given that most municipalities employ fewer than 10 people in total and each position is usually different.

MONA and MCHCU concluded that the existing definition of gender-dominated job class (and the accompanying guideline) with regard to classes of 1-9 incumbents were not sufficient, and that they still had considerable difficulty negotiating in these classes in the health sector. MONA thought that at a minimum the 10 incumbent requirement should be eliminated. MHO pointed out that very few of the approximately 120 remaining health care facilities employed enough men to establish a male pay line, therefore even changing or deleting the "10/70" would not work for their particular sector.

A number of these organizations suggested ways in which the definition should be revised. In general, they wanted a definition that was broader and flexible enough to "allow for common sense."[6] The Seven Oaks Ad Hoc Advisory Committee on Pay Equity thought that it should focus on including the "greatest number of female employees in the Pay Equity Process."[7] WANTE and MANTE stated that all male and female-dominated classes should be included, regardless of size.

Some groups proposed pooling together the various employers in a sector, as a way of having enough incumbents and enough gender-dominated job classes for comparative purposes. The Assiniboine South Pay Equity Committee felt the matter had to be resolved either by altering the "10/70" provision or by defining "establishment" to include regions of school divisions.

The MMAA agreed, pointing out that many small towns, villages and Rural Municipalities have only one or two employees in the office and one or two in public works. Therefore it took the position that all municipalities in the province should constitute one establishment for the purpose of implementing pay equity.

The MFL advocated that the legislation include "an option for the parties to negotiate a pooling of classes in order to achieve male comparable groups"[8] as occurred in the case of the 23 health care facilities under the Act. MAST suggested it might make sense to group job classes into job families.

Some groups wanted to see the 70% criteria changed as well. MACSW called for reducing the dominance level to 60%. MONA felt that the 70% was too "rigid" and that instead the legislation should include the historical incumbency of a job class and gender stereotyping as guideposts.[9]

Many labour and women's groups favoured the inclusion of historical incumbency and gender stereotyping as criteria in the definition to guide the parties in determining gender-dominated job

classes. MACSW stated there was considerable evidence that "job status and wage levels have declined historically in certain occupations as they changed from male-dominated to female-dominated and this factor should be considered."[10] MACSW felt that such information could be of assistance, particularly in cases of single female incumbents in traditionally male-dominated occupations. The MFL thought that consideration of historical incumbency was especially significant for non-unionized employees or workplaces.

A few groups took the position that the best way to achieve pay equity was to implement internal equity, instead of limiting the process to gender-dominated classes only.

The City of Winnipeg stated that "a true pay equity process would allow for all classifications in an organization to be evaluated relative to one another,"[11] whereas using 10/70 can only "create pay inequity."[12] The City added that if women have historically been underpaid relative to men, then it followed that men have historically been overpaid relative to women therefore this would "require that all classifications in an organization be evaluated."[13]

The IBEW representative[14] felt that an internal equity approach would result in "equity for . . . the majority."[15] He indicated that concentrating on female- dominated jobs alone "assumes that the male-dominated classifications have been paid fairly"[16] in an organization. IBEW's experience negotiating pay equity at Manitoba Hydro resulted in inequities within its bargaining unit between its male and female members. Consequently Hydro is now following up with internal equity but is negotiating this separately with each bargaining unit.

Pointing out that ILO Convention 100 applied to all workers, CAIMAW called for the Act to be redrafted so as to "provide remedy to male workers who are suffering pay discrimination."[17] It added that while "women have borne the overwhelming burden of pay discrimination, it is also true that some men suffered as well, particularly in situations where they are part of a predominantly female workforce."[18]

Negotiated Process

All pro-active pay equity legislation in Canada is based on a jointly negotiated process between employers and employees. The one variation is Ontario with its objection/complaint-based role for non-unionized employees.

The joint negotiation of pay equity by representatives of both management and labour is a central principle of The Pay Equity Act in Manitoba, as it places the responsibility for implementing pay equity in an organization with the parties. Non-unionized employees are also entitled to participation and representation through "employee representatives." The Act also provided that a pay equity officer could be appointed to oversee negotiations and implementation in each of the entities.

Although this was not specified in the legislation, most organizations established a joint labour-management pay equity committee where negotiations took place simultaneously with all (or most) of the bargaining agents and employee representatives. The parties chose to keep pay equity negotiations separate from regular collective bargaining.

Many labour and women's organizations expressed support for the "equal role"[1] that labour and management are given within the jointly negotiated process. The MFL felt this model encourages all parties to have a "sense of ownership."[2] The Seven Oaks Ad Hoc Advisory Committee on Pay Equity believed that "employees should participate in all decisions, individually or collectively which affect their status and welfare . . . even if this requires the development of a new organizational arrangements to ensure their representation, in Pay Equity implementation."[3] MHO also expressed support for a jointly negotiated process.

The City of Winnipeg pointed out that there was one aspect "not subject to negotiation": the costs, the responsibility for which rests solely with the employer.[4] The City added the Act does not require that pay equity wage adjustments be costed against any increase negotiated through normative collective bargaining.

The MFI predicted that negotiations with unions would become "a sham and lose contact with the realities of the workplace"[5] since negotiations could not be based on "economic conditions, ability to pay or productivity."[6] The MFI had the added concern that "negotiations will deteriorate with threats of calling in the Pay Equity Bureau."[7]

Access to Information

A number of the groups underlined the need for employees to have access to information relevant to the process. The MFL felt that the Act should require the sharing of information "if the process is to be effective and defensible."[8] Several groups concurred that the current Act is ambiguous in this regard. MCHCU and MONA referred to some of the difficulty they experienced in getting information on non-unionized classes in the health sector. The EPCM thought such a situation might be avoidable if the Pay Equity Bureau had the authority to require the necessary information. MAST

also agreed that the legislation was unclear on the type of information that employees could access and felt there was a need to further examine this issue so that a "common understanding" between the parties might be reached prior to extension of the Act.[9]

Simultaneous Negotiation by All Parties

A number of organizations stated support for the different bargaining units and non-unionized employee representatives in an establishment to negotiate pay equity simultaneously. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity favoured this approach because it felt it fostered understanding and shared responsibility for the outcome. The EPCM also thought it would also be more efficient and effective, requiring less time and money, which would be of particular benefit to those with fewer resources. CUPE indicated that any of the implementation problems they encountered under the Act were not related to the multi-party bargaining structure.

The MFL added it wanted the negotiated process to continue to apply across bargaining units and groups of non-unionized workers, not like Ontario's Act where the primary focus is on implementation within bargaining units. The MFL felt that dividing the workplace into bargaining units and separating out the non-unionized employees would result in the process being cumbersome and time-consuming. This issue is further addressed in the next section "Determining Value and the Job Evaluation Process," page 30.

The City of Winnipeg, which has nine unions, expressed concern that "it may be difficult to reach agreement" on all elements of the process.[10] It also felt implementing pay equity "across bargaining groups runs contrary to the spirit and practice of collective bargaining."[11]

Negotiate Separately from Regular Collective Bargaining

The EPCM felt pay equity should continue to be negotiated separately from regular collective agreements so as to keep the process "uncluttered by peripheral issues."[12] Other groups agreed. MCHCU and MONA stated it would be too complex to negotiate pay equity simultaneously with regular collective bargaining as each union bargains independently and often at different times.

However, most of these organizations also wanted the negotiated pay equity wage adjustments to become part of any existing collective agreement. The EPCM suggested this be done by "amending the wage rates in the document."[13] MONA thought the Act should stipulate that pay equity wage adjustments "must" be incorporated into existing and future collective agreements.[14] MACSW felt that while the pay equity process "should not interfere with or replace regular collective bargaining" in turn collective bargaining should not be allowed to "counter the achievements and principles of pay equity."[15]

While the City of Thompson acknowledged that it might be preferable to keep the two negotiating processes separate, it took the position that pay equity "must be tied into . . . or related as part of the cost of collective bargaining settlements during the years of pay equity implementation."[16] The City of Winnipeg shared this concern.

Impact on Collective Bagaining

The impact of pay equity on future collective bargaining was another issue raised by several municipalities. The City of Thompson was "very concerned" that the legislation did not address this.[17] For example, the City queried whether percentage increases would no longer be permissible once pay equity was implemented, in order to ensure that the resulting wage relationships would be maintained.

The City of Winnipeg pointed out that pay equity could be "destroyed as a result of arbitration awards."[18] It also posed the question of whether female-dominated classes would have to be adjusted following every arbitration decision for male-dominated bargaining units in order to maintain pay equity.

The Town of Selkirk foresaw negative implications for future negotiations for "years to come," as a result of pay equity implementation.[19]

Some of the private sector employer organizations also expressed concerns about pay equity's impact on collective bargaining. The CMA saw pay equity as an "intrusion into the collective bargaining process" in unionized workplaces creating "problems and uncertainty".[20]

Non-Unionized Employees

Several groups, including MACSW, indicated that non-unionized workers should have the same right and opportunity to participate in the process as unionized workers, particularly in the private sector where most women are not represented by unions. CUPE stated it disagreed with the approach in Ontario's legislation where employers develop pay equity plans on behalf of their non-unionized employees and these employees can then participate by objecting or complaining once the plan has been posted. CUPE felt this was not "realistic" given the poor success rate of complaint-based models to date.[21] CUPE took the position that with the assistance of regulations, the Pay Equity Bureau and a well-trained pay equity officer, pay equity can be negotiated in non-unionized workplaces.

MAST suggested that an "employer initiated" job evaluation system might make sense in small divisions where employees are not represented by a bargaining agent.

MONA and MCHCU both raised two key questions concerning non-unionized employee representatives: for whom do they really speak? and do they have any legal responsibilities with regard to the employees they represent (i.e. the way unions do)?

Many organizations stressed that the process for electing employee representatives must be clearly set out in the regulations to ensure that employers do not select the representatives. The MFL recommended that protection for these elected individuals be provided in the legislation, whereby it would be an "unfair labour practice to take disciplinary or personal action against an individual" elected as employee representative.[22] It was concerned that some employers might retaliate if an employee disagreed with them during the pay equity process. The MMAA indicated that some

municipal employees had experienced retaliation when raising pay-related issues. The MFL pointed out that in such instances unionized workers have a grievance procedure, non-unionized have little protection. CUPE added that the Act should contain "stiff penalties" for an employer who takes retaliatory action against any non-unionized employee who participated in the process.[23] CUPE felt that a provision was also needed to ensure that employees did not lose any wages and benefits as a result of their involvement in the process.

MONA indicated that the City of Winnipeg is a highly unionized establishment, therefore it saw the current provisions in the legislation regarding non-unionized employee representatives as being appropriate.

Both the MFL and CUPE stressed the need for employee representatives to receive education with regard to the issue, process and in particular their role. CUPE wanted greater involvement of the Pay Equity Bureau in this regard.

Pay Equity Officer

Many organizations, including some that had implemented under the Act (e.g. MONA, CUPE and MCHCU), indicated that the pay equity officer position was critical to the success of the pay equity process. CUPE stressed that the role of the pay equity officer would be even more significant in smaller organizations with fewer resources and less expertise. This need was confirmed by some of the smaller bargaining agents such as ASANTE and RELTA. MASS also thought that a pay equity officer "would be a valuable and necessary resource" given the complexity of the implementation process.[24] Whereas the Seven Oaks Ad Hoc Advisory Committee on Pay Equity did not feel the same need for a pay equity officer. However, the Committee added that the "parties should be allowed to determine their own organizational structures."[25]

Some groups felt strongly that the parties should have to agree on a pay equity officer rather than the employer just consulting the unions and employee representatives, as is currently provided for in the Act. MCHCU and MONA advocated that the legislation require the parties to reach agreement, thereby ensuring that all involved have confidence in the officer. The MFL thought they should also have to agree on the officer's role.

Given this concern, a few of the groups also wanted the officer to be selected after the election of employee representatives.

Several organizations concurred that hiring the pay equity officer from outside the organization would guarantee neutrality and independence. Given the size of some school divisions, ASANTE felt it might be easier to find someone more objective outside the workplace. The MFL and CUPE suggested that the parties could determine whether they needed an internal or external person.

The EPCM and MFL proposed that the Pay Equity Bureau establish a list of qualified neutral people that could serve as a resource for organizations seeking an external pay equity officer. The MFL pointed out this approach might be more cost effective than hiring expensive "consultants or professionals."[26] CUPE added that not everyone would require a full-time pay equity officer,

therefore one could be shared (including the costs) between several organizations. MAST indicated it would support the hiring of a pay equity officer for school divisions on a province-wide or regional basis (as long as the government provided funding). Others, such as MASS, WANTE and MANTE also favoured such an approach.

The EPCM and CUPE recommended that pay equity officers be hired six months prior to the implementation process starting so that the Bureau could conduct training sessions well in advance. CUPE found that many of the officers involved in implementing the Act learned along the way. ASANTE added that the responsibilities of the pay equity officers should include ensuring that the committees are trained.

Determining Value and the Job Evaluation Process

Job evaluation involves a process of comparing jobs to determine the relative position of one job to another in a wage or salary hierarchy within an organization. Job evaluation is concerned with the content of jobs, not with individual performance or the abilities of particular workers.

Every employer who pays wages of differing levels has some form of job evaluation, ranging from an employer's "gut feeling" as to the worth of the tasks being performed, to a formal and systematic job evaluation system, to market surveys, or any combination thereof. More formal and systemic comparison procedures are usually referred to as "job evaluation" for the purposes of pay equity.

Most pay equity initiatives have taken the view that job evaluation is a technique that can be used

a) to detect gender-based discrimination in wage setting practices, and

b) to assist in measuring the degree of any such pay discrepancies that may exist.

In Manitoba, the legislation requires that the parties agree on a single, gender-neutral job evaluation system that uses a composite of skill, effort, responsibility and working conditions to evaluate the gender-dominated job classes within an organization. About half of the legislated organizations chose to purchase a pre-packaged job evaluation system from a consulting firm. The other half developed an in-house job evaluation system with the assistance of the Pay Equity Bureau.

Many labour and women's organizations stated their support for using a single, gender-neutral job evaluation system to cover all employees in an establishment (across bargaining units and including non-unionized), as currently required under the legislation. Several groups also expressed their support for basing the job evaluation system on the four criteria outlined: skill, effort, responsibility and working conditions, and that the Act should continue to spell these out.

Several groups stressed the importance of applying only one job evaluation system across an organization because, as CUPE explained "different tools" cannot be used to compare.[1] MACSW agreed adding that "multiple systems would increase the risk of continued gender-based occupational segregation."[2]

The MFL cited the example of the City of Thompson, where the Steelworkers have negotiated their Co-operative Wage Study (CWS) job evaluation system for each of the two bargaining units they represent, one unit being male-dominated (production and maintenance workers) and the other female-dominated (office and technical workers). While a gender-neutral evaluation took place within each bargaining unit, the female-dominated jobs were never compared to the male-dominated ones. Therefore the CWS system could not address any organizational gender-bias that may exist in the setting of wages.[3] Whereas, the MFL pointed out, "[a] single gender-neutral system for one employer and one establishment would address this problem."[4]

The City of Thompson's brief also outlined that: the Co-operative Job Evaluation (CJE) Program Agreement (based on the CWS but modified to meet the parties' needs) has been in place for a number of years for each of the Steelworkers' two bargaining units; the union has been involved

throughout; there is a joint process for changing job descriptions; and that the process and system is working quite well to the satisfaction of the parties. Therefore, the City raised a concern about the possibility of pay equity requiring them to change or re-visit this. (Note: Thompson also has in place another job evaluation system for its non-unionized employees, while for the Fire Fighters there is no system as they all "perform the same functions").[5] The City of Thompson felt that it came close to the objective of pay equity and therefore did not want to tamper with it. The CJE Program also maintains certain relativities between job classifications that the City would not want to see disrupted through the introduction of another system. The City added that the "cure must not be worse than the disease."[6] MAST was also concerned that "any increment structure within a class prior to implementing pay equity should remain following the application of pay equity," i.e. that female relativities be maintained.[7]

The City of Winnipeg took the position that The Pay Equity Act requires the use of "Job Evaluation tools without adhering to normally accepted job evaluation principles."[8] The City's primary concern in this regard, was that following an evaluation, any jobs that are found to be overpaid would, under normal job evaluation principles, have their wages lowered -- something which the Act does not permit. The City also indicated that comparisons of gender-dominated job classes should only take place within bargaining units. It stated that negotiating pay equity across bargaining units "runs contrary to the spirit and practice of collective bargaining."[9]

MACSW was one of a number of organizations which recognized that "selection and use of job evaluation systems could be an overwhelming task" for many employers, especially the smaller ones.[10] For example, several school division groups indicated that many divisions do not have job descriptions. MAST pointed out that most school divisions would be unfamiliar with the concept of job evaluation systems. The CFIB had found through its surveys that 80% of small and medium-sized businesses in Manitoba do not have job descriptions and of the 20% that do, only 38% use a formal job evaluation system. The CFIB commented that small businesses operate in a more "fluid environment" where tasks can change on a daily basis to meet demands, therefore these jobs may "defy formal description."[11] Many organizations (labour and management) also stressed that they did not currently have the in-house staff or expertise to establish the systems necessary for pay equity implementation.

Therefore, many indicated that they would need some assistance to guide them through the selection and application of a job evaluation system. MASS indicated that the two school divisions which had been implementing voluntarily had to hire external consultants "at some considerable expense."[12] A number of groups concurred with MASS's view that a "more effective, less costly approach would be to select a standardized job evaluation system for all school divisions and train the appointed pay equity officer in its application."[13] WANTE and MANTE felt that the legislation should require MAST (representing employers) and the unions to meet and select a universal job evaluation system. The MMAA and IUOE advocated that one committee be established to cover all the smaller rural municipalities thereby limiting costs, pooling efforts, and having enough job classes for a meaningful comparison.

Another suggestion was that the Pay Equity Bureau should develop several simple job evaluation systems and make these available as options to the parties. The Seven Oaks Ad Hoc Advisory

Committee on Pay Equity supported the Bureau developing such a generic system as it believes that "one dimension of justice is universal application."[14] Several organizations felt that would enable the parties to implement while avoiding costly consultants. Some added that the Bureau should have sufficient resources, e.g. staff, software, etc., in order to develop such packages.

The EPCM, MFL and CUPE wanted the legislation to be flexible enough to allow for a job matching approach, whereby smaller establishments could apply the results achieved by a larger employer (in a similar industry) who had used a single, gender-neutral job evaluation system.

CUPE felt that different methods may be more applicable for different sized workplaces. Therefore, it thought that the legislation should be sufficiently flexible to permit the application of different methods of job comparison or evaluation. CUPE's Departments of Equal Opportunities and Job Evaluation have developed four systems of comparison: ranking; five factor ranking; quantitative system of comparison; and full job evaluation.

CUPE took the position that "the goal should be to determine the amount of adjustments necessary for the achievement of pay equity as quickly as possible without necessarily expending large amounts of money determining the adjustments."[15] In the Brandon School Division CUPE addressed pay equity by bargaining the equalization of base rates between clerical and labourer classifications.

The MFL and EPCM stated that there are measures, outside of job evaluation systems, that can be undertaken to reduce gender bias in wages. One way is to reduce the number of increment levels in female-dominated classes, as it often takes longer for female workers to reach and earn the maximum rate for the job than male workers. Another approach is to negotiate across-the-board increases rather than percentage increases, otherwise those earning less will continue to receive smaller increases.

Several private sector employer organizations and some municipalities expressed serious concerns about using job evaluation systems.

First, many felt that job evaluation was unreliable, too subjective and not an exact science. The Town of Selkirk was concerned that "who is to make the (exceedingly difficult) comparisons necessary, and upon what basis remains, unclear."[16] The CFIB stated that there is "no such thing as "objective" worth analysis," instead the process is "driven by the values of the job rater."[17] What is being advanced is an "arbitrary and bureaucratic ranking system," commented the CFIB.[18]

Second, several groups felt quite strongly that job evaluation and pay equity ignore the forces of the free market. Many agreed with the MCOC that comparable worth "assumes that market forces of supply and demand can be replaced by a government imposed system for determining and enforcing job worth."[19] The MFI stated that a business can "ignore supply and demand for various skills . . . only at its peril."[20]

The Seven Oaks Ad Hoc Advisory Committee on Pay Equity felt that the pay equity process may need to be "repeated periodically to reflect appropriate adjustments to the marketplace."[21]

The CMA indicated that many employers in the province already "practice the fundamentals of good job evaluation...They evaluate as objectively as is possible to a standard criteria and then assign or negotiate salary or wages. If there is a belief that job evaluation and general compensation practices are systematically discrimating on the basis of gender, then it is more an issue under our current Human Rights Code."[22]

Defining Wages

As the discussion paper pointed out, how "wages" or "pay" or "compensation" is defined is fundamental to addressing both the possible existence and the magnitude of pay inequities between male and female-dominated job classes. The definition of wages used determines the basis on which the comparisons and adjustments are made. Two definitions of "wages" have evolved across the various jurisdictions in Canada: i) total compensation; and ii) wages and salaries only. Manitoba's pay equity legislation takes a total compensation approach, whereby wages is defined as " . . . any form of remuneration payable or benefit provided . . ."

Most organizations that commented on the definition of "wages" agreed with the total compensation approach. A number of groups indicated that benefits needed to be included so as to accurately reflect an organization's compensation practices. Women and men working for the same organization will often have different benefit levels. The MFL pointed out that since women are less unionized than men, they are not in a position to negotiate benefits for themselves. MACSW noted "the necessity of including benefits in pay equity calculations becomes obvious when the situation of women vis-a-vis pensions, part-time work and unionized workplaces is considered."[1] MACSW added it favoured the definition used in the Canadian Human Rights Act, which spells out the types of pay and benefits to be included. MAST also indicated it might be worthwhile to consider the more detailed listing contained in that definition.

MAST, MASS and MASBO all agreed that benefits should be included because universal benefit plans do not exist across school divisions. They pointed out that sometimes workers will negotiate benefits instead of wage increases. Many groups felt that the inclusion of benefits would prevent any potential discrimination in this area.

The EPCM, MFL and CUPE felt that a total compensation approach would ensure a greater pool of monies from which to draw wage adjustments. The EPCM saw this as especially significant in female-dominated workplaces, where a greater proportion of employees could be eligible for pay equity adjustments. MONA and MCHCU also took the position that the principle of total compensation should be carried over to the definition of payroll and to the "availability of funds to implement pay equity wage adjustments."[2] The MFL added that with regard to piece work and gratuities they "could be calculated and averaged out over a specific period of time in order to determine a resource base" for the wage adjustments.[3]

The MFL also thought that piece work and gratuities should be considered in determining the definition of wages. CAIMAW felt strongly that comparisons between male and female dominated job classes needed to be made in the base rates "where workers are operating at normal speed and effort."[4] It cautioned that in using a total compensation approach for piece workers, such as in the garment industry, care had to be given so as not to include the higher earnings workers achieved by working late or through their breaks and lunch periods.

The wages and salaries only approach was advocated by the City of Winnipeg "in order to avoid extreme interpretations of what may or may not be considered a benefit, and the difficulties

involved in attempting to cost them."[5] The City added that if, however, it was demonstrated discrimination did exist in the area of benefits, then it might be more appropriate to have "other legislation deal specifically with those" issues.[6]

The MMAA felt that the inclusion of wages and salaries only would suffice in the municipal section because "benefits to municipal employees are standardized under [the] Municipal Employee Benefits Board and are applied on an equal basis to all employees."[7] However it added that not all municipalities opt into the MEBB's plan.[8]

Wage Adjustments

Most pro-active pay equity initiatives involve some parameters regarding the level of wage adjustments that an employer may be required to implement within a given timeframe. One of the primary reasons behind such provisions is to make the costs of pay equity wage adjustments reasonable for the employer to implement, while still pursuing the objective of pay equity. Manitoba's legislation states that no employer is required to allocate more than 1% of total payroll each year for a period of no more than four years. As well, no employee's wages or wage schedule can be reduced in order to implement pay equity.

Manitoba's Act does not include a definition of "total payroll," consequently some parties approached the Bureau for an interpretation. The Bureau's position has been that since the Act's definition of wages clearly encompasses benefits, and if total payroll is a composite of wages, then total payroll would include benefits. The Bureau has always pointed out that its interpretation should not be considered legally binding.

A cross-section of groups (e.g. labour, women and some school division employer groups) saw the phasing-in of pay equity wage adjustments as a reasonable and for some, such as the EPCM, a desirable approach. However, where they disagreed was over both the percentage of monies to be allocated and the period of time for implementing the adjustments.

A number of labour organizations and the EPCM took the position that 1% of total payroll be the minimum annual amount required to be applied to wage adjustments. The MFL and CUPE indicated that they viewed the current wage adjustment provisions in Manitoba's Act (Section 7(3)) as the minimum amount that employers are required to allocate.

MCHCU stated that Section 7(3) discriminates against workers in health care, an industry that is 90% female-dominated. MCHCU felt that no consideration was given to the impact of the 1% maximum, over 4 years, on such a predominantly female industry. Although Manitoba's Act was modelled after Minnesota (whose state-wide civil service cost less than 4% overall), MCHCU pointed out that the health sector cost within that civil service was approximately 6% because of the large number of women. MCHCU expressed concern that at the end of the process pay equity will not have been achieved because of the "demographics of health care."[1]

A number of organizations felt that the legislation should be amended obliging an employer to implement wage adjustments until pay equity is fully achieved, i.e. the identified wage gap closed. The MFL, CUPE and the EPCM stated that all adjustments necessary to close the wage gap should be completed within a maximum 4-year period or less, if possible.

WANTE and MANTE also felt it was unfair for women to wait at least another six years (two years of negotiations and potentially four of wage adjustments) for the pay inequities to be addressed. Therefore, they indicated that they wanted the legislation to require that wage adjustments be retroactive to the start of the pay equity process or that the adjustments be phased-in over a shorter period of time. In that regard, they suggested an eighteen to twenty-four month period.

MACSW also favoured the phasing-in of wage adjustments within a required timeframe, although it did not recommend a specific length of time. MACSW suggested that where wage adjustments cannot be completed within the given time due to the size of the wage gap, lump sum payments could be "an initial option to correct extreme imbalances."[2] The Seven Oaks Ad Hoc Advisory Committee on Pay Equity also raised the need to maintain a "flexible enough" approach to wage adjustments "to provide for retroactivity and lump sum payments should they be deemed to be necessary and appropriate."[3]

MAST expressed support for the current approach in the legislation of: phasing-in adjustments; capping the maximum amount to be allocated each year; and placing a limit on the number of years. However, MAST felt that the provisions of Section 7(3) were reasonable only if teachers' salaries were not included in the definition of total payroll and if the wage adjustments could not be implemented retroactively.

Several labour groups called for the inclusion of a clear definition of payroll based on "total compensation", i.e. wages and benefits (as was advocated for the definition of "wages"). Although Manitoba's Act refers to "total payroll," some felt that the provision of a specific definition would serve to clarify and "avoid lengthy arguments and disputes."[4] The MFL reiterated that such an inclusion would ensure that a sufficient pot of monies would be available for pay equity wage adjustments, particularly in female dominated workplaces "where women have borne the burden of wage discrimination."[5] CUPE added that all employees' salaries should be included in calculating total payroll, regardless of whether their positions were evaluated as part of the pay equity process.

Should teachers' salaries be included in the definition of payroll for pay equity wage adjustment purposes? A number of school division organizations addressed this question in their written responses.

Groups, such as CUPE, WANTE and MANTE took the position that the "legislation should specify that the term "payroll" includes the division's total payroll for all individuals employed within the division,"[6] including teachers.

Employer groups on the other hand, felt that the inclusion of teachers' salaries would not only be costly (including to local taxpayers), but unfair given that teachers are not to be affected by the pay equity process. In fact, MAST proposed that "only the payroll of those groups that fall within the definition of gender dominated classes should be included" for pay equity purposes.[7] The Assiniboine South Pay Equity Committee agreed, based on their experience, that teachers' salaries should be excluded from the payroll. Instead, the Committee suggested, divisions might need to phase-in the adjustments for support staff over a 4-year period. For example, based on total payroll it would take just over one year (i.e. at the 1%) to eliminate the wage gap identified in the Assiniboine South School Division. Whereas based on the support staff payroll only, it would take about 2% of that payroll each year over a 4-year period.

The MFL, MCHCU, CUPE, MONA and the EPCM expressed support for the provision prohibiting the lowering of wages or wage schedule in order to achieve pay equity. They also wanted to see a

provision added to protect employees from freezing or red-circling wages and/or wage schedules. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity stated its support for the "non-punitive" concept behind the no-loss-of-pay provision in the Act.[8]

However, the MFI indicated that wage freezes may be necessary in some areas, such as male-dominated occupations. The MFI felt strongly that if employers were prohibited from implementing a "required" wage freeze or decrease, then some firms could well be "legislated out of business by pay equity."[9] They also expressed concern that such measures would result in labour unrest.

The City of Winnipeg also expressed concern about the legislation not permitting the lowering of wages or wage schedules. It pointed out that one of the principles of job evaluation was that jobs found to be overvalued would have their wages adjusted downwards.

Allowable Exceptions

All jurisdictions across Canada have provided for some form of "allowable exceptions" regarding pay equity implementation. This inclusion recognizes both the existence of non-gender related factors that can and do influence pay rates, and the need to factor them into pay practices where relevant.

Essentially two approaches have evolved with regard to allowable exceptions. Manitoba's Act incorporates the concept within its definition of pay equity: "a compensation practice which is based primarily on the relative value of the work performed . . ." (emphasis added). The interpretation and application of this term primarily is left up to the parties negotiating the wage adjustments.

The other approach, undertaken by other jurisdictions, has been to delineate a list of allowable exceptions (e.g. labour skills shortage). In some instances, the exceptions are only permissible if it can be demonstrated that they have been applied in a gender-neutral manner.

A number of organizations took the position that the influence of other factors on pay may need to be considered. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity supported the more flexible approach as provided for in Manitoba's Act, adding that any exceptions could be resolved by the Pay Equity Bureau to ensure that the "intent of the legislation is achieved."[1] MAST indicated that this issue needed further study to determine where any circumstances exist in school divisions to justify such provisions and to determine the appropriate mechanism.

The City of Winnipeg raised a concern about the impact of factors which in the past have influenced wage-setting for some City employees, namely arbitration decisions and local labour market pressures. The City's position is that since neither of these two factors are "directly gender-related," they should be "factored-out" prior to making comparisons between the gender-dominated job classes.[2] In other words, instead of evaluating and comparing the job classes first and then reviewing, during the wage adjustment negotiation stage, whether any exceptions apply, the City would like to see these factors subtracted from the wage rate of the relevant job classes prior to the process beginning. This would affect the initial male and female pay lines that were drawn. The City felt this approach would make the process "cleaner" whereby all parties would be aware of the grand rules in advance, instead of adjusting the results later.[3]

Many private sector employer groups also expressed concern about the implications of the pay equity process ignoring market forces. For instance, the CMA stated that "pay equity does not appear to address the problem of compensation adjustments based on marketplace supply and demand...[employers will] become afraid to pay premium rates to attract key skills because of a concern that we might upset or impact a Pay Equity system."[4]

MACSW indicated that allowable exceptions "should be held to an absolute minimum"[5] and permitted only if shown to have been applied gender-neutrally. MACSW was concerned that allowable exceptions could be used to continue historically discriminatory attitudes towards women

workers. It strongly opposed supply and demand being a reason to allow exceptions to pay equity ("or any other legislation promoting labour force equality"), adding that "market forces should never be used as a rationale."[6] MACSW added, "women in particular are less able to respond freely to market influences, because of their relative lack of job mobility, and less access to top-level jobs and advanced training."[7]

Two schools of thought emerged among member groups of the EPCM. Some felt there should be no allowable exceptions. Others believed that exceptions may exist, such as merit increments, that should be specifically identified. If there are to be exceptions, then it was the EPCM's position that they should only be permitted if the employer can prove they have been applied in a gender-neutral fashion.

The MFL and CUPE were opposed to including any allowable exceptions. They expressed concern that for too long it has been allowable to discriminate against women through their wages and that outlining allowable exceptions would merely provide employers with reasons to perpetuate the discrimination. They also specifically rejected bargaining strength (an allowable exception provided for in Ontario's Act). They indicated that allowing bargaining strength as an exception would only reinforce one of the historical factors behind women's lower wages, namely their lower level of unionization as compared to men.

Administrative, Monitoring, Enforcement and Maintenance Mechanisms

All jurisdictions with either pro-active or complaint-based models have recognized the need to establish an administrative agency, and in some cases an adjudicative body as well. The discussion paper outlined the various mechanisms for facilitating, overseeing and ensuring implementation in the four provinces which, at that time, had legislated pro-active pay equity.[1]

The EPCM and MFL believe that these mechanisms are critical to the credibility, effectiveness and success of the pay equity process. MACSW took the position that an agency with an administrative, monitoring and enforcement role was necessary because "voluntary approaches have been ineffective."[2] The MMAA expressed the concern that unless implementation and maintenance of pay equity are "closely" monitored and enforced many "councils would choose to ignore the implementation agreements."[3]

This was also an area of serious concern identified by a number of private sector employer organizations. For example, the MFI raised the point that the "patchwork of regulations which will evolve to make the work of the regulators as easy as possible will cause enormous problems for business."[4] Several groups shared the MFI's concern that the Pay Equity Bureau could require "settlements which have nothing to do with the realities of the workplace."[5]

Administrative

In Manitoba, the responsibility of administering The Pay Equity Act lies with the Pay Equity Bureau and its executive director. The role of the executive director is to provide assistance and information to parties implementing; facilitate outstanding matters; monitor implementation; and if necessary refer any unresolved matters to the Manitoba Labour Board, or to an arbitrator in the case of the civil service. The legislation also gives the Bureau a general education, information and research function. As well, the executive director is required to submit a report annually to the Legislative Assembly through the Minister responsible for the Act.

Several groups indicated that they wanted to see the Bureau (and the executive director) continue in its administrative and monitoring role. The Assiniboine South Pay Equity Committee felt that a "strong leadership role" taken by the Pay Equity Bureau concerning the more technical aspects, would facilitate "timely" implementation.[6] The City of Winnipeg emphasized the need for the Bureau to expand its facilitation and mediation role. MCHCU and MONA shared the view that additional Bureau staff with mediation and enforcement responsibilities were required. This issue of assistance from the government is addressed in the "Costs and Benefits" section on page 47.

Monitoring

While the representatives of the employers and the employees are responsible for negotiating and implementing pay equity within their organization, the Bureau is responsible for monitoring the

Act's implementation. Several mechanisms enable the Bureau to fulfill its monitoring function:

i) legislated dates by which the parties must endeavour to reach agreement and to file those agreement reports with the executive director;
ii) the executive director's right to request any relevant information or reports from the parties regarding pay equity; and
iii) liaising with the pay equity officer, which has been an effective mechanism for maintaining ongoing contact and dialogue with the organizations.

The EPCM wanted the requirement to file pay equity agreements to remain. The MFL, CUPE and MMAA concurred.

The EPCM and MFL believe that the executive director should maintain her/his right to request relevant information from the parties and if it is not provided to refer the matter to adjudication. The MFL thought the executive director should be required to refer the matter. The EPCM felt that the adjudication decision must then be binding.

Enforcement

The Pay Equity Bureau's enforcement role is limited to the executive director's authority to refer certain matters to the Labour Board or to arbitration. The specific circumstances under which the executive director may refer are if:

i) the parties fail to file their agreements by the date(s)required;
ii) the parties do not comply with the executive director's request for information; or
iii) the employer does not implement the wage adjustments (a bargaining agent or an employee representative can also refer this particular matter).

The primary enforcement mechanism provided in the Act is the right of any of the parties to refer a matter on which agreement cannot be reached. If a matter is referred to the Labour Board or to an arbitrator, the Act does spell out some procedural provisions. These include under what circumstances an arbitrator may order retroactive wage adjustments, and the requirement that the executive director prepare a report regarding any matter referred to the Labour Board.

It should be pointed out that once a report is filed with the Bureau, signifying that agreement has been reached between the parties, it is deemed to be binding. The pay equity agreements reached are viewed in the same manner as any other negotiated agreement. As a result, no complaint mechanism was provided. Although the Bureau subsequently analyzes the filed reports, it cannot reject or disapprove of an agreement or any elements of it.

The EPCM, MFL and CUPE all called for the executive director's powers being enhanced by giving her/him the power to refer agreements that may not meet the terms of the legislation (e.g. job evaluation system is not gender-neutral) back to the parties, thus giving them an opportunity to re-negotiate the item(s). This referral would ensure that the process was still a jointly negotiated one. If the parties could not reach agreement or if their second effort still did not satisfy the Act's requirements, then the matter would be referred (by the parties or the Bureau) to an adjudicative body for a decision. The fundamental principle underlying this recommendation, the MFL

explained, "is that while a jointly bargained process is central to the Act, the agreement settled upon cannot contravene the Act."[7]

Several groups proposed some new areas of responsibility for the Bureau. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity suggested that if impasses should develop, an appeal process to the Bureau, or "some objective third party" could be established.[8] The Committee also suggested that the government, in conjunction with interested parties, could develop a list of candidates from which an arbitrator could be selected. MCHCU and MONA favoured the creation of "dispute resolution tribunals with the framework"[9] of the Pay Equity Bureau.

Other organizations stated quite clearly that they did not want the Labour Board to serve as the dispute resolution body for pay equity issues. Essentially two reasons were offered in this regard. First, groups felt that an adjudicative agency in this area needs specialized knowledge of pay equity issues, as well as training concerning the technical aspects, whereas the Labour Board's expertise is in interpreting existing labour legislation. Second, the Labour Board is "already busy, [and] under resourced."[10] A separate body could deal with pay equity cases exclusively thereby avoiding delays.

Groups which took these positions did recommend alternative mechanisms. WANTE and MANTE favoured "the enforcement approach taken by the Nova Scotia legislation."[11]

CUPE supported establishing a separate body, a Pay Equity Tribunal based on Ontario's model, with a neutral chairperson (agreed to by management and labour) and labour-and-management-appointed representatives.

A Pay Equity Board should be created, according to the MFL, composed of: an equal number of men and women; an equal number of labour and management representatives; and one female and one male co-chairs, to be neutral and acceptable to all parties (the co-chairs would alternate every three months serving as the chairperson). The Board's decisions would be binding.

The EPCM also supported setting up a separate adjudicative body or Pay Equity Board. The members of the EPCM had various positions concerning under whose jurisdiction this Board should be placed, e.g. Manitoba Labour, Manitoba Human Rights Commission, or a "new and separate entity."[12] However, they did agree on the following elements for this Board:

i) must be a separate board with considerable pay equity expertise and which can respond quickly to matters before it;
ii) should be composed of a neutral chair and representatives from business and labour;
iii) its decisions would be binding under the legislation and "severe penalties [would] be imposed upon those who fail to implement" its orders; and
iv) "should be adequately staffed with legal advisors, investigators and researchers who are well versed in pay equity principles."[13]

The EPCM and MFL both agreed that such a Pay Equity Board should be empowered to "determine mechanisms for achieving pay equity"[14] in cases where no male comparators could be found for female-dominated job classes. The MFL also felt that where a matter is referred to

adjudication any wage adjustments would be retroactive to the date when they were supposed to have begun and interest on those monies should be paid. They added that "women should not suffer financially as a result of the adjudication process."[15]

MACSW advocated the use of a complaint-based approach whereby workers (particularly in non-unionized workplaces) would be able to access a complaint procedure, "in case of irregularities arising during the pay equity negotiation process."[16]

The MFL took the position that there should be no complaint provision for the purposes of enforcing the Act. It felt it would be unfair to allow non-unionized workers to lay a complaint while unionized ones could not. Another concern was the delays in implementation often resulting from complaint provisions.

Some groups suggested the use of a complaint procedure to maintain pay equity. These points are addressed in the next sub-section concerning maintenance mechanisms.

CUPE took the position that since responsibility for pay equity implementation rests, in effect, with the employer, any employer who fails to implement should be subject to strong penalties, including fines.

Maintenance

Although Manitoba's legislation does not provide a specific mechanism to ensure that pay equity is maintained once implementation is completed there are several provisions that could facilitate monitoring maintenance. The executive director has:

a) the authority to monitor the progress of pay equity implementation;
b) authority to request information from an employer or pay equity officer (whereby the executive director can file a complaint with the Labour Board if the information is not provided);
c) a duty to submit a report to the Minister, at least once a year, on the progress of pay equity implementation, which the Minister then tables in the Legislature. This authority is not restricted to the 6-year implementation period.

Several organizations supported a provision to ensure that pay equity adjustments were not eroded over time.

The EPCM proposed that the Pay Equity Bureau be responsible for monitoring the maintenance of pay equity through the development of a reporting system. The MFL and CUPE were also of this view. They suggested that employers be required to file reports with the Bureau every two years, outlining how they were maintaining pay equity. If the Bureau found that gender-bias had returned to their compensation practices, it would be referred back to the parties to address. If the matter was still not satisfactorily resolved the Bureau, through the executive director, would be empowered to refer it (the EPCM would like to see this happen within a 3 month period) to the adjudicative body. The MFL proposed that for unionized workers the employer should be required to file the

collective agreements with their report. The MFL added that the Bureau should develop a form for non-unionized employees to fill out in this regard.

The EPCM and MFL indicated it might be appropriate to use a complaint mechanism to assist in maintaining pay equity. The EPCM believed that individual employees, whether in a bargaining unit or non-unionized, should be allowed to file complaints for the Bureau to investigate. If pay equity was not being maintained, the executive director would then refer the matter within three months to adjudication. The MFL, on the other hand, took the position that in non-unionized establishments individual employees would have the right to file a complaint, whereas in a unionized establishment only a bargaining agent would be able to file a complaint on behalf of its members.

These organizations agreed that complainants had to have access to any relevant information in order to determine whether there was any basis for a complaint, and/or to proceed with their case. The MFL felt that this access to information should be provided for in the legislation. They also stated that such maintenance provisions had to include "protection from retaliation for individuals and organizations who exercise their right to complain under the Act."[17]

Regulations

Although all pro-active legislation in Canada provides for regulations on a range of issues, none has been enacted to date. Instead, several jurisdictions have issued guidelines to assist the parties. In the fall of 1986, Manitoba distributed guidelines regarding bargaining agents being consulted on the designation of pay equity officers; a process for notifying non-unionized employees of their right to representation, while leaving the election process up to the parties; and the inclusion of predominantly male and predominantly female job classes with 1-9 incumbents.

The MFL and the EPCM indicated that the various issues on which they have wanted regulations in the past, both groups now saw these areas as becoming part of the legislation. CUPE concurred stating the "full implementation details should be set out in the Act."[1] CUPE also added that although "regulations can have a strong impact on the legislation," they are not as open to public review as are laws or amendments to laws.[2]

However, there was one area where all three of the above organizations still wanted regulations: the process for electing "employee representatives" to represent non-unionized workers. CUPE felt that the need for such regulations was even more critical as pay equity was extended to less unionized sectors.

MACSW advocated developing regulations in those areas currently provided for in the Act. MACSW also wanted to see regulations incorporated into any private sector "policy or legislation."[3]

ASANTE suggested that regulations could be used to provide implementation guidance to smaller school divisions, particularly those with few male job classes for comparison purposes.

The Seven Oaks Ad Hoc Advisory Committee on Pay Equity indicated that it was "as comfortable with guidelines as with regulations" and that their Committee intended to proceed in the spirit of the Act and felt it had so far.[4]

The concerns raised by many private sector employer organizations regarding "regulations" were similar to their broader concerns about pay equity, including stifling "free choice" and inhibiting "management rights," as articulated by the MFI.[5]

Costs and Benefits

No one denied that the implementation of pay equity brings with it costs: the administrative costs of the process and the wage adjustment costs if any gender-based pay inequities are found to exist. These costs, in turn, have implications. The extent to which these implications are viewed as negative or positive varied among the organizations which responded.

Business Community

The WCOC reflected the concerns of a number of private sector employer organizations when it stated that pay equity could "pose a serious threat to the stability and growth of the Manitoba economy."[1] The MFI pointed out that it could make the province "an expensive and difficult place for business to operate."[2] The CFIB saw pay equity as "[an] expensive type of payroll tax."[3]

The WCOC felt that pay equity legislation would result in companies becoming uncompetitive and this would ultimately hurt female workers. The MCOC commented that comparable worth "assumes that wages for predominantly female jobs can be increased significantly without either decreasing wages for other workers or increased costs of goods and services to consumers . . . [and it] assumes no adverse effect on the number of job opportunities for the workers it is supposed to help."[4] The MFI agreed adding that whenever an employer must "change a wage rate to a non-competitive level when he sells nationally and internationally"[5] and when "ability to pay is ignored, it becomes impossible to forecast the survival of individual firms."[6]

The MCOC and MFI both saw negative implications stemming from the Act's prohibition of any lowering of wages in order to achieve pay equity. The MFI predicted that the following could result as businesses are "forced to find ways of surviving"[7]: wage freezes, particularly for male-dominated occupations, leading to labour unrest; fewer women being hired; increased mechanization; lay-offs; setting up the male-dominated jobs and the female-dominated jobs into two separate companies; or contracting out, especially to another province.

The CMA was one of several groups that expressed concern about the heavy administrative burden that would result for companies if they were required to implement pay equity. The CFIB pointed out that "government regulation, red tape and paper burden is consistently the second most important problem facing small firms, and any additional regulatory burden increases the cost and difficulty of doing business, especially in a sector which is creating most of the new jobs in the economy today."[8] The CFIB added that many firms do not have job descriptions let alone job evaluation systems, nor do they have specialized staff or personnel departments. Therefore, it predicted they will be forced to hire job evaluation consultants.

The WCOC thought that legislating pay equity would be a "waste of taxpayers' money."[9] The CFIB stated concern about the "opportunity costs" of all the resources allocated to address the 5-10¢ of a 36¢ wage gap, "which may be due to discrimination."[10] Given the scarity of government resources, the CFIB was one of several groups that recommended that monies allocated for pay equity be re-directed into education, vocational training and counselling.

The MFI concluded that the "costs [of pay equity] far exceed [the] gains, especially when the problem is slowly solving itself as attitudes change and market forces bring pressures to bear."[11]

Labour and Women's Communities

Although MACSW saw pay equity as a "crucial factor in women's progress towards economic equality,"[12] it also recognized that the costs associated with pay equity implementation can at times be substantial. However, MACSW took the position that the gender-based wage gap should be viewed as a "serious economic liability . . . [as] women have been involuntarily subsidizing the Canadian economy for decades through their low wages, but the savings and "profits" from such a system are illusory at best when the total economic picture is considered. Short-term financial costs must always be assessed in the context of longer-term benefits resulting from overall improvement in women's incomes."[13]

The EPCM felt that the benefits accruing to employers and to Manitoba families "far outweighs the costs of implementation and adjustments."[14] The MFL agreed and cited the following advantages for employers: improved personnel systems with the establishment or refinement of job descriptions and compensation approaches; better morale and reduced turnover resulting in lower recruitment and training costs; enhanced productivity leading to increased profitability; and increased payroll stimulating consumer spending. In terms of benefits to communities and the economy in general the MFL felt that the higher payroll will expand the tax base and contribute to stabilizing businesses, particularly in rural and northern areas. MACSW added to this a reduced need for income supplement programs.

The EPCM also addressed the issue of increasing global competition. It recommended that the federal government should be pressed to take the following position: "that any import originating from a jurisdiction not covered by comparable worth legislation should be termed as having an involuntary subsidy to employers by the women in that jurisdiction. Such products should be subject to a countervailing duty to enable Manitoba entrepreneurs to compete on an equal footing."[15]

MACSW felt that "wage inequities based on gender should never be justified as economically necessary."[16] CAIMAW added its view that because pay equity will cost money "cannot be justification for continued discrimination."[17]

Broader Public Sector and Non-Profit Agencies

Employer and employee groups in the school division and municipal sectors, as well as other non-profit groups indicated their existing resources were not sufficient for implementing pay equity. They also identified the implications of the costs associated with pay equity and the types of assistance they would want to see made available to them.

Many organizations stated they do not have human resource or personnel staff. The Town of Selkirk said it does not have "personnel officers as such," nor would most communities its size.[18] MASBO pointed out that only two school divisions in the province have in-house personnel

practitioners. MAST felt that the issue of lack of personnel resources had to be addressed before implementation. Many groups noted they also did not have any expertise regarding pay equity, nor the elements necessary for implementation (e.g. job descriptions and job evaluation systems). Employers were concerned about the time and effort that would be required of their already limited staff complements.

Consequently, most organizations felt they would need external assistance from either a consulting firm to provide a job evaluation system and technical guidance; the Pay Equity Bureau; and/or a pay equity officer. However, many of them, especially some of the smaller employee associations, indicated they did not have the financial resources to secure such assistance. Several groups mentioned that these circumstances and concerns would be equally true for small businesses.

In addition to the administrative considerations, employers were concerned about the costs of the pay equity wage adjustments themselves.

MASBO, MASS and MAST pointed out that approximately 25% of school divisions' revenue is raised locally, therefore without sufficient government funding the burden would fall on local taxpayers through higher taxes or reduced educational services.

The City of Brandon indicated that most of its revenue was derived from local taxes. Since pay equity wage adjustment costs are to be separate from the regular bargaining process and "without any subsidy from the Province to offset these costs," Brandon would have to consider alternatives such as increased taxes, the "reduction or deletion of programs and services, or contracting out," options which it noted no one finds "palatable."[19] It felt that the current legislation "is a very expensive solution to correct some pay inequities.[20]

The City of Winnipeg also expressed concern about costs. With 4% of its payroll amounting to approximately $16 million, the City felt it would be impossible for it to absorb the costs without either: an increase in taxes "especially for this purpose"; a grant from the provincial government; and/or including the costs of pay equity in the costs of collective bargaining for each employee group (e.g. "either proportionately to benefit received or divided equally among all unions and associations").[21] The City felt that with the third option the costs would at least be shared between the employer and the employees.

The Town of Selkirk thought that a community of its size could not bear the "brunt of the considerable cost and effort involved."[22]

The City of Thompson did not believe that higher family incomes would reduce dependence on government and increase the tax base. Instead for municipalities, it saw pay equity implementation adding to local taxpayers' costs and would "only add to the tax base of the federal and provincial governments."[23]

The Seven Oaks Ad Hoc Advisory Committee on Pay Equity felt that despite some reduction in monies for educational services due to pay equity costs, this would be offset by benefits to the economy, their employees and their school board.

Government Assistance

Many of the employer and employee organizations looked to the provincial government for assistance. They saw this assistance taking a variety of forms.

The issue of funding was of major concern to many. In the health care sector MCHCU and SEIU called for full and sufficient funding of pay equity. MHO added that the proposed administrative solution would require minimal additional administrative funding. The MCCA wanted to see the establishment and funding of a province-wide salary scale for child care workers, in the 1990/91 fiscal year, that reflects the findings at two of the universities and in the Mansis Report. And the YM-YWCA indicated that it and other non-profit sector groups might need financial support to cover the cost of implementing any pay equity wage adjustments that may result.

The City of Winnipeg indicated it wanted a $16 million grant from the province to cover the anticipated wage adjustment costs. The City of Brandon referred to a subsidy from the provincial government to offset costs. At its 1989 annual convention, MAST passed a resolution that the provincial government "fund all costs associated with the implementation of pay equity legislation in the public education system,"[24] including administrative costs such personnel time, job evaluation plan, consultants' fees and the wage adjustments. MAST stressed that the issue of funding "must be thoroughly resolved prior" to legislative extension.[25]

With regard to job evaluation systems, some school division parties, such as MASS, wanted funding to hire a consultant and to purchase a system. MAST proposed that such a job evaluation system could be shared among the school divisions on a regional or provincial basis. MAST emphasized that opting into such a system should be at the discretion of each individual division. However, the Assiniboine South Pay Equity Committee expressed the concern that if the government decides to be "sensitive to the autonomy issue," then it could be excessively costly whereby the "benefit to employees might closely approximate the cost to school divisions of conducting the process."[26] The Committee added that it wanted consideration of ways of "containing costs," so "this laudable objective" can be met without costing everyone too much.[27] Therefore, it recommended a regional approach to the job evaluation system. The Committee also felt that a regional approach would reduce the demands on divisional staff. WANTE and MANTE took the position that the legislation should require MAST (on behalf of divisions) and the various unions to select one job evaluation system. They felt this would not only avoid duplicating costs and efforts, but also assist those smaller divisions with fewer resources and expertise.

Other groups (including the Seven Oaks Ad Hoc Advisory Committee on Pay Equity, CUPE, ASANTE and the MFL) suggested that the Pay Equity Bureau be given sufficient resources to develop one or more simple gender-neutral "systems of comparison"[28] to assist those parties without resources.

The IUOE felt that "special consideration be given to smaller Rural Municipalities in the legislation" because of the costs involved.[29] That is why it recommended one committee be formed by the province consisting of representatives of management and labour, with one consultant in order to evaluate one or two municipalities and then apply the results to the others.

Many groups advocated the establishment of a pay equity officer. MAST endorsed the hiring of a pay equity officer on a regional or provincial basis, as long as it was funded by the province. CUPE agreed with the sharing of an officer as it felt not everyone might require one full-time. MASS and the Assiniboine South Pay Equity Committee also concurred with this pooling of costs and efforts, and suggested pay equity officers be organized on a regional basis. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity thought that one option might be for the province to fund "staff positions at the Manitoba Association of School Trustees for the duration of the Pay Equity process."[30]

WANTE and MANTE indicated a need for province-wide training of employees and employers and wanted the legislation to require the parties to agree on such a province-wide plan. They saw this training plan having input from the Pay Equity Bureau, MAST, unions and the selected consultant. They wanted this plan to include training sessions on a regional basis and training for employees selected to write job descriptions. As well, they called for provisions in the legislation allowing employee representatives to attend training sessions without loss of pay, similar to those found in the Workplace Safety and Health legislation.

CUPE and the EPCM advocated that pay equity officers be hired six months in advance of implementation beginning in order to receive training from the Pay Equity Bureau. ASANTE wanted the training of committees to be part of the officer's responsibilities. It saw training as being critical to elements of the process such as evaluation.

A number of organizations indicated that the Pay Equity Bureau should have sufficient staff and operating funds to support the parties' implementation efforts. The level of these resources should be based on the number of entities they are being asked to monitor and assist. The types of assistance they sought were as follows: an active educational component; resource materials; the Bureau taking a leadership role on technical issues; facilitation and mediation services; job evaluation packages; and training. A number of groups, including MASS, MAST, City of Winnipeg and RELTA stressed the importance of an educational program as a first step in ensuring successful implementation. Many of the organizations saw these services as especially critical for smaller organizations, regardless of sector.

The MFL thought it would be unfair to require employers to implement without providing the necessary information and expertise. Since many organizations and employee representatives will not have the resources to hire outside experts it felt the Pay Equity Bureau should fulfill this role. Instead their monies should be directed at any wage adjustments which may be needed.

Appendix:
Consultation Participants by Sector

	Attended Consultation Meetings	Submitted Written Response
SCHOOL DIVISIONS		
Employer Representatives		
The Manitoba Association of School Trustees	Eric Jonasson Gail Curry Shirley Loewen	*
Manitoba Association of School Superintendents Inc.	Gordon Newton Howard Holtman Larry McCrady	*
Manitoba Association of School Business Officials Inc.	Rick Gales Felicity Chappell	*
Manitoba Federation of Independent Schools Inc.	Erwin Strempler John Doornbos	*
Ad Hoc Advisory Committee on Pay Equity Seven Oaks School Division No. 10	Judy Silver John R. Wiens Claire Walker	*
Pay Equity Committee The Assiniboine South School Division No. 3	Myrtle Zimmerman Peter Gordon Wendy Moroz	*
Employee Representatives		
Assiniboine South Association of Non-Teaching Employees	Marg Williams	*
Canadian Union of Public Employees[1]	Lorraine Sigurdson June Ross Sandra Oakley	*
Fort Garry School Division No. 5 Library Technicians' Association		

	Attended Consultation Meetings	Submitted Written Response
Interlake School Division No. 21 Bus Drivers' Association		
International Brotherhood of Electrical Workers[1]		
Lord Selkirk School Division No.11 Board Office Staff Association	Denise Wendl Laurel Peterson	*
Lord Selkirk School Division No. 11 Bus Drivers' Association		
Manitoba Association of Non-Teaching Employees	Bonnie Brown Doreen Cummings	*
Manitoba Food and Commercial Workers, United Food and Commercial Workers Local 832[1]		
Manitoba Government Employees' Association, Institutional Employees' Union Component[1]	Bill Comstock	
Manitoba Teachers' Society	Carole Basarab Tom Ulrich	
River East School Division No. 9 Library Technicians' Association	Bev Forytarz Sharon Foster	*
The River East School Division No. 9 Paraprofessional Association	Irmgard Doerksen Sharon Shewel Marguerite J. Wenden	*
Seven Oaks School Division No. 10 Paraprofessional Association		*[2]
Transcona-Springfield School Division No. 12 Bus Drivers' Association		
United Association of Journeymen and Apprentices of Plumbing and Pipefitting Industry of the United States and Canada		

	Attended Consultation Meetings	Submitted Written Response
United Brotherhood of Carpenters and Joiners of America		
United Steelworkers of America[1]	Dan Will Eugene Laye	
Winnipeg Association of Non-Teaching Employees	Ruth Moskal Pat Bell	*

MUNICIPALITIES

Employer Representatives

Manitoba Association of Urban Municipalities	R.S. "Bud" Oliver	
Union of Manitoba Municipalities		
Northern Association of Community Councils	Lena Friesen	
City of Winnipeg	David Laird	*
City of Brandon	Rick Boyd	*
City of Thompson		*
City of Portage la Prairie		
City of Flin Flon		
Town of Selkirk	R.S. "Bud" Oliver Dawn MacFarlane	*
Town of The Pas		
Town of Dauphin		
Town of Steinbach		
Town of Leaf Rapids		

	Attended Consultation Meetings	Submitted Written Response
R.M. of St. Clements		
L.G.D. of Churchill		
Employee Representatives		
Amalgamated Transit Union		
Brandon Police Association		
Canadian Paperworkers' Union		
Canadian Union of Public Employees[1]	Lorraine Sigurdson Maureen Miller Charles Carlson Bob Malazdrewich	*
International Association of Machinists and Aerospace Workers	Ross Alcock	
International Brotherhood of Electrical Workers[1]	Rick Ehlers Herb Futon	*
International Union of Operating Engineers	Jim Murphy	*
Manitoba Professional Fire Fighters' Association	William Laird	
Manitoba Food and Commercial Workers United Food and Commercial Workers Local 832[1]		
Manitoba Municipal Administrators' Association		*
Manitoba Organization of Nurses' Associations and Winnipeg Civic Nurses' Association MONA Local 1	Vera Chernecki Irene Giesbrecht Wes Hosler	*

	Attended Consultation Meetings	Submitted Written Response
Service Employees' International Union		*
United Steelworkers of America[1]	Dan Will Eugene Laye	
Winnipeg Association of Public Service Officers	Lorraine Sebastian	
Winnipeg Police Association		
Winnipeg Police Senior Officers' Association		

HEALTH CARE FACILITIES

Employer Representatives

Manitoba Health Organizations Incorporated	Myron Musick Doug Machan Maureen Kilgour	*
Nursing Homes Association of Manitoba		
Women's Health Clinic[3]		*

Employee Representatives

Manitoba Council of Health Care Unions including the following members:	Irene Giesbrecht	*
Manitoba Government Employees' Association, Institutional Employees' Union Component	Bill Comstock	
Manitoba Association of Health Care Professionals	Ken Swan	
Canadian Union of Public Employees	Lorraine Sigurdson	

	Attended Consultation Meetings	Submitted Written Response
PRIVATE SECTOR		
Employer Representatives		
I. Umbrella Employer Groups		
Canadian Federation of Independent Business	Garth Whyte	*
The Canadian Manufacturers' Association/ Manitoba Division	Mary-Ann Gibson Susan Onoferson	*
The Manitoba Chamber of Commerce	Brian Kelly Brenda Bourbonnais	*
Manitoba Institute of Management Inc.[4]		
The Winnipeg Chamber of Commerce	Darlene Hildebrand	*
II. Sectoral Employer Groups		
Construction Labour Relations Association of Manitoba		
Electronics Industry Association of Manitoba		
The Insurance Institute of Manitoba[5]	Dennis Emond	*
Manitoba Community Newspapers' Association		
Manitoba Dairy Association		
Manitoba Fashion Institute Inc.	Ray Winston Carol Johnson	*
Manitoba Feed Industry Association		
Manitoba Food Brokers' Association	Keith Ballance Bryce Cribbs	
Manitoba Frozen Food Council		

	Attended Consultation Meetings	Submitted Written Response
Manitoba Forestry Association Inc.		
Manitoba Heavy Construction Association Inc.	Dick Mulder	*
Manitoba Home Builders' Association		
Manitoba Hotel Association	John D. Read Stephen Webb	*
Manitoba Restaurant and Food Services Association	Denis Smith	
Manitoba Trucking Association		*
The Mining Association of Manitoba Inc.	Winston Newman	*
Prairie Implement Manufacturers' Association	Raymond M. Yee	
Retail Merchants' Association of Canada (Manitoba) Inc.		
Winnipeg Brewmasters' Association[6]		
The Winnipeg Construction Association Inc.		
Employee Representatives		
Canadian Labour Congress[7]		
Confederation of Canadian Unions including the following affiliate:	Pat McEvoy	
Canadian Association of Industrial Mechanical & Allied Workers	Susan Spratt Cecile Cassista Pat McEvoy	*
Manitoba Federation of Labour including the following affiliates:	Wilf Hudson Susan Hart-Kulbaba	*
Amalgamated Clothing and Textile Workers' Union	Karen L. Graham Mike Radchenka	

	Attended Consultation Meetings	Submitted Written Response
Canadian Union of Public Employees	Lorraine Sigurdson	**
Communication and Electrical Workers of Canada	Howie Raper	
Manitoba Food and Commercial Workers' Union, United Food and Commercial Workers Local 832	Robert D. Ziegler	
Manitoba Government Employees' Association	John S. Pullen	
Retail Wholesale and Department Store Union	Dave Hiscos	
Manitoba Provincial Council of Labour, Canadian Federation of Labour	George Smith John Peterson	
Winnipeg Building and Construction Trades Council		

WOMEN'S ORGANIZATIONS

Manitoba Women's Institute		
Manitoba Advisory Council on the Status of Women	Michele Pujol Dorothea Hudec	*
The Charter of Rights Coalition (Manitoba)		*
Consulting Committee on the Status of Women with Disabilities, Women's Caucus		
Immigrant Women's Association of Manitoba		
Indigenous Women's Collective	Carolyn Moar	
Legal Education & Action Fund		

	Attended Consultation Meetings	Submitted Written Response
Manitobans for Quality Child Care	Julie Kucey Vickie Shane	
Manitoba Farm Women's Network		
Equal Pay Coalition of Manitoba (The organizations listed below are either formally affiliated with or interested parties within the Coalition):	Susan Hart-Kulbaba	*
Altrusa Club of Winnipeg		
Birdtail Women for Action		
Business & Professional Women's Club of Manitoba		
Fort Garry Women's Resource Centre		
Manitoba Action Committee on the Status of Women	Carolyn Garlich[9]	
Manitoba Advisory Council on the Status of Women		*10
Manitoba Association of Home Economists		
Manitoba Association of Social Work		
Manitoba Association of Women & The Law		
Manitoba Child Care Association	Dorothy Dudek[9]	*10
Manitoba Federation of Labour Women's Committee	Mary Sabovitch[9]	*10
Provincial Council of Women of Manitoba	Joan Butcher[9]	
Reseau		

	Attended Consultation Meetings	Submitted Written Response
Young Women's Christian Association (YM-YWCA)	Dorothy Mueller[9]	*[10]
Canadian Brotherhood of Railway, Transport & General Workers, Local 209		
Canadian Union of Public Employees Local 500		
Canadian Union of Public Employees Local 1550		
Canadian Union of Public Employees Manitoba Division	Lorraine Sigurdson[9]	*[8]
Communication Workers of Canada, Local 7		
Manitoba Federation of Labour		*[10]
Manitoba Food and Commercial Workers Union, United Food and Commercial Workers Local 832		
HUMAN RESOURCE PRACTITIONERS[11]		
Canadian Public Personnel Management Association		
Human Resource Management Association of Manitoba		*

APPENDIX NOTES

1. The consultation meetings were organized on a sector specific basis. Therefore, those unions representing workers in more than one of the sectors were invited to attend all the relevant sector meetings.

2. The Seven Oaks School Division No. 10 Paraprofessional Association's written input is contained within the brief submitted by the Division's Ad Hoc Advisory Committee on Pay Equity.

3. Although Women's Health Clinic had not been among the organizations invited it did choose to submit a written response.

4. The Manitoba Institute of Management provides management training support and expertise to public and private sector organizations. Hence, the Institute felt it would not be appropriate for it to participate in the consultation process, particularly as an employer representative.

5. The Insurance Institute of Manitoba is a teaching body and thus did not participate in the process. However, an industry representative did attend a consultation meeting and a written response was submitted.

6. The Winnipeg Brewmasters' Association indicated to the Pay Equity Bureau that the nature of its organization is social, and as a result it would not be participating in the consultations.

7. Mike MacIsaac of the Canadian Labour Congress indicated he would be unable to attend the consultation meeting. However, he added that the Manitoba Federation of Labour, as a chartered member of the CLC, would be attending and could therefore represent the CLC's position.

8. The Canadian Union of Public Employees submitted its own written response as it had been invited to comment with regards to the school division and municipal sectors.

9. Attended the consultation meeting as an affiliated member of or interested party within the Equal Pay Coalition of Manitoba.

10. Some organizations affiliated with or interested parties within the Equal Pay Coalition also chose to submit their own separate written response to the pay equity consultation process.

11. The human resource practitioner organizations were not invited to a consultation meeting, instead they were invited to submit a written response.

End Notes

Introduction

1. During the consultation process and for the purposes of this report, the Equal Pay Coalition of Manitoba has been grouped with women's organizations. Therefore, general references to "women's groups" in the report include the Equal Pay Coalition of Manitoba.

Concept of Pay Equity

1. The Service Employees' International Union's response consisted of a letter in which it indicated it agreed with the Manitoba Federation of Labour's brief and therefore it would not be making a separate submission.
2. MFL, p. 3.
3. CORC, p. 2. Although the Charter of Rights Coalition (Manitoba) forwarded a submission of its own, it added that it supported the analysis and the recommendations of the Manitoba Advisory Council on the Status of Women.
4. YM-YWCA, p. 1.
5. MACSW, p. 1.
6. The Mining Association of Manitoba and the Manitoba Heavy Construction Association both forwarded a copy of the Canadian Federation of Independent Business' brief and indicated that the CFIB's submission reflected their respective organizations' views.
7. CFIB, p. 1.
8. CMA, p. 1.
9. Ibid.
10. Ibid.
11. MCOC, p. 2.
12. Ibid., p. 3.
13. CFIB, p. 5.
14. MFI, Brief, p. 9.
15. WCOC, Covering letter which accompanied Brief.
16. Ibid., p. 1.
17. CFIB, p. 3.
18. Ibid., p. 6.
19. Ibid., p. 3.
20. MFI, Executive Summary, p. 3.
21. RELTA, p. 2.
22. MACSW, p. 1.
23. Ibid., p. 2.
24. CFIB, p. 5.
25. MCHCU, p. 1.
26. WCOC, p. 2.
27. MCOC, p. 1.
28. HRMAM, p. 1.
29. Ibid.

30. WCOC, p. 3.
31. CFIB, p. 1.
32. MCOC, pp. 1-2. In 1972, the federal government of Canada with agreement from the provinces, ratified the I.L.O.'s Convention 100 which committed Canada to the concept of equal pay for work of equal value.
33. Ibid., p. 2.
34. CMA, p. 2.
35. CFIB, p. 3.
36. CMA, p. 2.
37. Ibid.
38. HRMAM, p. 2.
39. CFIB, p. 6.
40. Ibid.
41. The Seven Oaks Ad Hoc Advisory Committee on Pay Equity, although implementing voluntarily, chose to follow provisions of The Pay Equity Act.
42. WANTE and MANTE jointly submitted one brief, p. 2. REPA's submission consisted of an endorsation of WANTE and MANTE's brief.
43. Ibid., p. 11.
44. MAST, MASS and MASBO all indicated that their briefs had been approved by their respective executives and that they did not have sufficient time to obtain feedback from their general memberships. Given this, MAST noted that there could be varying opinions among school divisions.
45. MAST, p. 1.
46. MASBO, p. 3.
47. MASS, p. 7.
48. MAST, p. 1.
49. MMAA, p. 3.
50. Ibid., p. 3.
51. IUOE, pp. 1-2. IUOE pointed out that in the municipal sector it represents employees in some 14 Rural Municipalities. Therefore its pay equity comments are restricted to Rural Municipalities.
52. City of Winnipeg, p. 13.
53 Town of Selkirk, p. 1.
54. City of Thompson, Brief, June 16, 1989, p. 2.
55. Ibid., p. 1.
56. Town of Selkirk, p. 1.
57. Ibid.
58. MCHCU, pp. 1-2.
59. Ibid., p. 4.
60. Women's Health Clinic, p. 1.
61. The Manitoba Child Care Association commissioned the Mansis Development Corporation to conduct a study to establish a fair pay standard for the position of Child Care Worker II. The resulting Mansis report recommended that a Child Care Worker II's salary be set at the level of a Class III school teacher/clinician which in the Greater Winnipeg area was $29,000 a year in 1987. The school teacher/clinician position refers to the nursery school teacher employed by the Manitoba Department of Education & Training, and not to those working in nursery schools under the Department of Family Services' jurisdiction.

62. MFL, pp. 4-5.
63. CORC, p. 2.
64. MFL, p. 4.
65. Ibid.
66. CAIMAW, p. 4.
67. MACSW, p. 1.
68. Ibid., p. 6.
69. EPCM, p. 13.
70. CAIMAW, p. 1.
71. MACSW, p. 6.
72. MMAA, p. 2.
73. CMA, p. 1.
74. MFI, Executive Summary, p. 1.
75. Ibid.
76. MCOC, pp. 2-3.
77. Ibid., p. 1.
78. Ibid.
79. HRMAM, p. 1.
80. CAIMAW, p. 2.

Defining Establishment

1. Ontario, Report to the Minister of Labour by the Ontario Pay Equity Commission on Sectors of the Economy which are Predominantly Female as Required under the Pay Equity Act, Section 33(2)(e), Toronto, Ontario, January 1989, pp. 5-6.
2. Manitoba, Pay Equity in Manitoba: A Discussion Paper, Winnipeg, Manitoba, 2nd edition, March 1989, p. 19.
3. Ontario, Report to the Minister of Labour by the Ontario Pay Equity Commission on Options relating to the Achievement of Pay Equity in Sectors of the Economy which are Predominantly Female, Toronto, Ontario, October 1989, pp. 116-118 and 125.
4. MONA, p. 1.
5. MCHCU, p. 2.
6. CUPE, p. 6.
7. Ibid., p. 5.
8. MASS, p. 2.
9. MAST, p. 3.
10. WANTE and MANTE, p. 3.
11. ASANTE, p. 2.
12. Over the past 12-14 years, each year a suggested salary schedule has been developed by a committee composed of representatives from the MMAA, Manitoba Association of Urban Municipalities and Union of Manitoba Municipalities. Although it was a suggested schedule, and therefore not enforceable, some MMAA members found it helpful in their own salary negotiations. Jerome Mauws, President of the MMAA, indicated that although the committee had not in fact met in the last few years, the MMAA continues to update the schedule for its members to use in their individual municipalities (telephone conversation, January 11, 1990).

13. IUOE, p. 1.
14. City of Winnipeg, p. 1.
15. MCCA, p. 62.
16. EPCM, pp. 5-6.
17. MFI, Brief, p. 7.
18. Ibid.
19. Ibid.
20. MACSW, p. 2.
21. Equal Pay Coalition, "Bringing Pay Equity To Those Presently Excluded From Ontario's Pay Equity Act", Toronto, Ontario, December 13, 1988, pp. 15-17.
22. MFL, p. 9.
23. Ibid.
24. Ibid.

Defining Employee

1. MASBO, p. 2.
2. MONA, p. 1.
3. MACSW, p. 3.
4. CUPE, p. 8.
5. EPCM, p. 7.
6. MACSW, p. 2.
7. MAST, p. 5.
8. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 1.
9. Ibid.

Defining Gender Dominance

1. MASS, p. 4.
2. Ibid.
3. MAST, p. 4.
4. WANTE and MANTE, p. 7.
5. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 2.
6. EPCM, p. 8.
7. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 2.
8. MFL, p. 11.
9. MONA, p. 2.
10. MACSW, p. 3.
11. City of Winnipeg, p. 4.
12. Ibid., p. 12.
13. Ibid., p. 10.
14. The IBEW representative who submitted the response indicated that he did not have sufficient time to have the letter reviewed by his Local Executive Board. Although he felt his views were

consistent with most of the members of IBEW Local 2034, he stated that the letter should still be considered as his personal opinion.
15. IBEW, p. 3.
16. Ibid., p. 1.
17. CAIMAW, p. 3.
18. Ibid.

Negotiated Process

1. EPCM, p. 8.
2. MFL, p. 12.
3. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, pp. 2-3.
4. City of Winnipeg, p. 8.
5. MFI, Executive Summary, p. 2.
6. Ibid., Brief, p. 5.
7. Ibid.
8. MFL, p. 13.
9. MAST, p. 13.
10. City of Winnipeg, p. 8.
11. Ibid., p. 13
12. EPCM, p. 9.
13. Ibid.
14. MONA, p. 3.
15. MACSW, p. 4.
16. City of Thompson, Brief, June 16, 1989, p. 3.
17. Ibid.
18. City of Winnipeg, p. 7.
19. Town of Selkirk, p. 1.
20. CMA, p. 1.
21. CUPE, p. 15.
22. MFL, p. 13.
23. CUPE, p. 15.
24. MASS, p. 5.
25. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 2.
26. MFL, p. 14.

Determining Value and the Job Evaluation Process

1. CUPE, pp. 19-20.
2. MACSW, pp. 4-5.
3. Tom Reid of the United Steelworkers of America's Canadian national office indicated to the Pay Equity Bureau, in December of 1988, that the USWA was aware of the need to modify its CWS plan to incorporate pay equity and this was being addressed.

4. MFL, p. 15.
5. City of Thompson, Letter, March 21, 1989, p. 2.
6. Ibid., brief, p. 4.
7. MAST, p. 12.
8. City of Winnipeg, p. 9.
9. Ibid., p. 13.
10. MACSW, p. 5.
11. CFIB, p. 5.
12. MASS, p. 6.
13. Ibid.
14. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 4.
15. CUPE, p. 21.
16. Town of Selkirk, p. 1.
17. CFIB, p. 4.
18. Ibid., p. 2.
19. MCOC, p. 1.
20. MFI, Executive Summary, p. 2.
21. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 4.
22. CMA, p. 2.

Defining Wages

1. MACSW, p. 3.
2. MCHCU, p. 2.
3. MFL, p. 12.
4. CAIMAW, p. 3.
5. City of Winnipeg, p. 5.
6. Ibid.
7. MMAA, pp. 2-3.
8. Jerome Mauws, President of the MMAA, indicated that approximately 90% of municipalities have opted into the Municipal Employee Benefits Board's plan (telephone conversation, January 11, 1990).

Wage Adjustments

1. MCHCU, p. 5.
2. MACSW, p. 5.
3. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 4.
4. MONA, p. 3.
5. MFL, p. 17.
6. WANTE and MANTE, p. 9.
7. MAST, p. 7.
8. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 4.
9. MFI, Brief, p. 5.

Allowable Exceptions

1. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 2.
2. City of Winnipeg, p. 6.
3. David Laird, Manager of Organizational Studies at the City of Winnipeg (telephone conversation, February 19, 1990).
4. CMA, p. 2.
5. MACSW, p. 4.
6. Ibid, p. 5.
7. Ibid, p. 4.

Administrative, Monitoring, Enforcement and Maintenance Mechanisms

1. New Brunswick proclaimed its pro-active pay equity legislation in June of 1989.
2. MACSW, p. 5.
3. MMAA, p. 4.
4. MFI, Executive Summary, p. 1.
5. Ibid., Brief, p. 5.
6. Assiniboine South Pay Equity Committee, p. 2.
7. MFL, p. 20.
8. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 3.
9. MONA, p. 3.
10. MFL, p. 19.
11. WANTE and MANTE, p. 10.
12. EPCM, pp. 5-6.
13. Ibid, p. 6.
14. MFL, p. 8.
15. Ibid.
16. MACSW, p. 5.
17. MFL, p. 21.

Regulations

1. CUPE, pp. 24-25.
2. Ibid. p. 25.
3. MACSW, p. 5.
4. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 4.
5. MFI, Brief, p. 3.

Costs and Benefits

1. WCOC, p. 1.
2. MFI, Executive Summary, p. 1.
3. CFIB, p. 3.
4. MCOC, p. 1.
5. MFI, Brief, pp. 3-4.
6. Ibid., Brief, p. 4.
7. Ibid., Executive Summary, p. 2.
8. CFIB, p. 3.
9. WCOC, p. 1.
10. CFIB, p. 4.
11. MFI, Executive Summary, p. 3.
12. MACSW, Covering letter.
13. Ibid., Brief, p. 6.
14. EPCM, p. 14.
15. Ibid.
16. MACSW, p. 1.
17. CAIMAW, p. 4.
18. Town of Selkirk, p. 1.
19. City of Brandon, p. 2.
20. Ibid.
21. City of Winnipeg, p. 11.
22. Town of Selkirk, p. 1.
23. City of Thompson, Brief, June 16, 1989, p. 3.
24. MAST, p. 1.
25. Ibid., p. 9.
26. Assiniboine South Pay Equity Committee, p. 3.
27. Ibid., p. 3.
28. CUPE, p. 21.
29. IUOE, p. 1.
30. Seven Oaks Ad Hoc Advisory Committee on Pay Equity, p. 6.

Bibliography

Equal Pay Coalition. "Bringing Pay Equity To Those Presently Excluded From Ontario's Pay Equity Act". Submission by the Equal Pay Coalition of Ontario to the Ontario Pay Equity Commission concerning its legislated Study on Implementing Pay Equity for Female Job Classes With No Appropriate Male Comparators. Toronto, Ontario, December 13, 1988.

Manitoba. Pay Equity in Manitoba: A Discussion Paper. Winnipeg, Manitoba: Pay Equity Bureau, Manitoba Labour, 2nd Edition, March 1989.

Ontario. Report to the Minister of Labour by the Ontario Pay Equity Commission on Sectors of the Economy which are Predominantly Female as Required under the Pay Equity Act, Section 33(2)(e). Toronto, Ontario: Ontario Pay Equity Commission, January 1989.

Ontario. Report to the Minister of Labour by the Ontario Pay Equity Commission on Options relating to the Achievement of Pay Equity in Sectors of the Economy which are Predominantly Female. Toronto, Ontario: Ontario Pay Equity Commission, October 1989.